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THE UNIVERSITY OF ALBERTA

HUMAN RIGHTS AWARENESS AMONG CERTAIN SOCIO-ECONOMIC GROUPS IN EDMONTON WITH IMPLICATIONS FOR COMMUNITY DEVELOPMENT WORK

BY

Ⓒ THEO AZUKA UME

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH IN PARTIAL
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IN COMMUNITY DEVELOPMENT

EDMONTON, ALBERTA
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THE UNIVERSITY OF ALBERTA

FACULTY OF GRADUATE STUDIES AND RESEARCH

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled "Human Rights Awareness Among Certain Socio-Economic Groups in Edmonton With Implications for Community Development Work," submitted by Theo Azuka Ume in partial fulfilment of the requirements for the degree of Master of Arts.

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Supervisor

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W A Bowker
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Date September 12, 1973

ABSTRACT

We live in an age in which dialogue between nations and local groups is expedient. The community development worker, however, among others, does not base his reasoning on expedience alone but on higher principles. He believes in the dignity and equality of the human person. This belief presupposes that it is everyman's right to have equality of opportunity regardless of race, creed, colour, religion, ancestry or place of origin. On the basis of his principles, the community development worker cannot remain passive when he sees that someone's opportunity for social, political and economic growth is being limited because of his creed or colour. These principles presuppose that the circle of intolerance should not be continued by discrimination and prejudice against the victims, but they demand that the bigot and victim must be studied and understood on the basis of his knowledge of human behaviour and the social sciences so that he may become helpful in decreasing inter-group tensions. With professional and personal interest, this study of 'Human Rights Awareness Among Certain Socio-Economic Groups in Edmonton with Implications for Community Development Work' is centred upon.

Some mechanism to facilitate a general flow of communication between the Human Rights Branch and victims of human rights violation was desirable. Bearing this objective in mind, the Human Rights Action Centre will, in addition, afford the group concerned an opportunity to fully participate in all social interaction aimed at attaining a common good.

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Special thanks must also go to Ralph O. Nwabueze of the University of Nigeria, Nsukka, whose initial encouragement deserves special mention.

This thesis is dedicated first to Ume Brothers Osina Orlu Nigeria, whose ongoing concern for the human condition led me into this field and to whom I owe a great debt; secondly to my wife Esther, whose patient encouragement during the writing of this thesis was so very much appreciated; and lastly to my daughter, Iruka, and son, Ikecukwu, whose fun equally helped greatly during the thesis writing.

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CHAPTER I

INTRODUCTION

The events of World War II, including the Nazi atrocities, emphasized, as never before in human history, the horrors of hatred and war. With these incidents clearly in mind, on November 19, 1946, the United Nations General Assembly unanimously adopted a resolution declaring that:

> . . .it is in the higher interest of humanity to put an immediate end to religious and so called racial persecutions and discrimination.[1]

The urgency expressed in the November conference was the impetus which called together the newly appointed United Nations Commission on Human Rights. This Commission held its first session in February, 1947. Fifteen nations were represented and Mrs. Eleanor Roosevelt was its first president.[2]

Further work of the United Nations brought about the Universal Declaration of Human Rights on December 10, 1948. This historic document called for the rights and freedom of all people:

> . . .without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. After the acceptance of this act, the assembly called upon all member countries to publicize the text of the Declaration. . .princi-

---

[1] R.M. McIver, The More Perfect Union (New York: McMillan Co., 1948), p. 32.

[2] Citizenship Branch, Department of Citizenship and Immigration, It is Up to Us (Ottawa: Department of Citizenship, 1963), p. 8.

> pally in schools and other educational institutions without distinction based on the political status of countries or territories.[1]

Subsequently, a subcommission was set up under the United Nations Human Rights Commission and was known as the Subcommission on the Prevention of Discrimination and Protection of Minorities. During the period 1948 to 1950, this subcommission was active in promoting research in the field of labour. Its other significant accomplishment was that it proposed the resolution which resulted in the Child Welfare Declaration in 1959. In March, 1960, when the "swastika epidemic" flared in many countries, the Subcommission quickly stepped into action. In January, 1961, this Subcommission suggested a resolution which called upon states and asked them to rescind racially discriminatory laws and to adopt antidiscrimination legislation. This resolution was accepted and subsequently enacted by the General Assembly.

The United Nations Commission has also been active in research and in setting up study conferences and seminars on local and international levels. Its influence cannot be easily assessed. Though it cannot enforce legislation, member countries feel obligated to consider the rationale and validity of the Commission's suggestions.

The United States and the Human Rights Legislation

Until July 3, 1964, the United States had no Federal Human Rights Bill prohibiting discrimination. In essence, this did not seem imperative.

---

[1] United Nations, Universal Declaration of Human Rights (New York: United Nations, Office of Public Information, October, 1962).

The United States Constitution, Amendment 14, Section I states:

> All persons born or naturalized in United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any state deprive any person of life, liberty or property, without the process of law nor deny to any person within its jurisdiction the equal protection of laws.[1]

This legislation was proposed June 16, 1866, and was proclaimed July 18, 1868. The statute contained broad implications, but its main core was designed to grant federal citizenship along with its rights to Negroes who had never been granted state citizenship.[2] Amendment 15 (March 30, 1870) strengthened these rights. Sections 1 and 2 state that:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any other state on account of race, creed, or previous condition of servitude. . . . The Congress shall have power to enforce this article by appropriate legislation.[3]

The Fourteenth and Fifteenth Amendments are almost one hundred years old. Citizens committed to the principles established in these two constitutional amendments had for many years asked for congressional legislation which would clarify these human rights.

The Civil Rights Bill of 1964 provides citizens with a practical means of exercising their constitutional rights. It is enforceable only through suits in federal courts. The Bill provides for:

---

[1] "Amendment 14," The World Book Encyclopaedia, 1970, XVIII, 143.

[2] Ibid., p. 144.

[3] Roy Wilkins, Research and Consultation in Human Relations (Washington, D.C.: The Potomac Institute Inc., 1964), p. 27.

> . . .full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodation of any place. . . . It does not cover sale or rental of private homes. If a complainant can receive no satisfaction from his home state he may bring a law suit to Federal court, or the Department of Justice may enter the case and file the suit in the name of the United States. . . . The services of any Federal, State or Local agency to help achieve compliance may be utilized.[1]

The United States Supreme Court's decision of 1954 to integrate schools was greatly reinforced by the Civil Rights Bill of 1964. The Bill looks impressive on paper but those concerned about civil rights were anxious to see the effectiveness of the Bill in reality.

2

U.S.A. Antidiscrimination Legislation on a State Level

Discrimination on the basis of race, colour, or religion had been illegal in some states for many years prior to the 1964 Bill. The Ives-Quinn Bill, passed in the State of New York in 1954, which established The New York State Commission Against Discrimination, was a "trail blazer" for other states. The Commission began with employment legislation, and then included provisions on accommodation, education and housing.[1] Commissions are normally authorized to receive and, in some states, to investigate complaints, to investigate allegations of discrimination, to conciliate and, finally, to hold formal hearings which may be judicially enforced. Limitations on jurisdiction include employers with less than a given number of employees, religious and non-profit organizations, domestic and, in most states, farm work.

---

[1] The Magna Carta was a protest by feudal lords against King John.

"The Great Charter did not concern itself with the common man, but in the passage of the centuries it has become a symbol of freedom for men everywhere.

The Petition of Rights was reluctantly signed by Charles I. It declared that the order of the sovereign was not sufficient ground for the incarceration of his subject. . .orderly trial was demanded."

The Habeas Corpus Act declared that anyone arrested for any cause whatsoever must be brought before a court at the earliest possible moment. The Bill of Rights established that the servants of the King are not above the. . . . The parliament became supreme. Freedom of speech was granted. Quotation and paraphrasing from Citizenship Branch, Department of Citizenship and Immigration, It's Up To Us, pp. 14-15.

Bamberger and Lewin point out that antidiscrimination legislation is unique in that no other statutes provide that court costs will be borne by the state. Discrimination is regarded as a public wrong, and not merely the basis for private grievance.

The Complaint. Most complaints are initiated by the person who has experienced the alleged discrimination. Several states accept complaints from private agencies interested in civil rights; others feel these are too difficult to process. Most state commissions on human rights proceed to act only on verified complaints, as does The Alberta Human Rights Branch.

Investigation. Before the state commissions in the United States can proceed to formal conciliation or hearings on a complaint, "probable cause" must be established. Fact-finding often proves embarrassing to respondents, but this is inherent in proving discrimination.

Some commissions send duplicate copies of the complaint to the respondents before investigation begins. This prevents defensiveness on the part of the accused, and sometimes facts are divulged before the investigator has identified himself. Most commissions have the power to subpoena books and records, others do so only after the commission votes on the matter.

---

[1] M.A. Bamberger and Nathan Lewin, "The Right to Equal Treatment: Administrative Enforcement of Anti-Discrimination Legislation," Harvard Law Review, 74:3 (January, 1961).

Canadian Federal Government Legislation on Human Rights

Canada, as a member of the Commonwealth, has a rich heritage of human rights legislation. The Magna Carta of 1215, the Petition of Rights of 1628, the Habeas Corpus Act of 1679, and the Bill of Rights of 1689 are some of the British enactments of law which jointly make up Canadian tradition.[1]

The Canadian concept of integrating diverse nationalities and races differs from that of the United States. Canada does not consider herself a 'melting pot', but a country where pluralism is the goal. Cultural distinctions are appreciated by the majority. Because of this, minority members of the citizenry are not overtly pressured to become assimilated.

It was with the cognizance of this fact that Canada's Bill of Rights, passed in 1960, generally states and emphasizes fundamental rights and liberties for all Canadians. The effect of the passage of the Bill of Rights has been to focus public attention on the whole question of human rights and to make the Canadian people more conscious of these rights.[2]

---

[1] Citizenship Branch, Department of Citizenship and Immigration, *It's Up to Us*, p. 16.

[2] *Ibid*.

The Canadian Bill of Rights has been tested in the courts in a number of cases, but not with much success.[1]

Human Rights Law in Alberta

In response to rapidly growing sensitivity to discrimination and more intensified activity in the field of human rights, the government of Alberta formally enacted the Alberta Human Rights Act in 1966.[2] The Human Rights Act basically prohibited discrimination on the grounds of race, colour, religious belief, ancestry and place of origin. On April 27, 1971, the Act was amended to include discrimination on grounds of sex.[3] The Seventeenth Legislature saw the final passage of the Alberta Bill of Rights, which deals with basic human rights and fundamental freedoms:

> . It is hereby recognized and declared that in Alberta there exists, without discrimination by reason of race, national origin, colour, religion or sex the following human rights and fundamental freedoms, namely:
> (a) the rights of an individual to liberty, security of persons and enjoyment of property, and the right not to be deprived thereof except by due process of law;

---

[1] Canada, Department of Labour, Protection Under Law Employment Discrimination (Ottawa: Queen's Printer, 1963). Other Federal Acts bearing on antidiscrimination are: The Canada Fair Employment Practices Act, 1953; The National Housing Act of 1960 (this was amended to combat discrimination in the sale or lease of any house or unit in a multiple family dwelling constructed with the aid of an N.H.A. Loan); Unemployment Insurance Act, 1955 C.38; Female Employee Equal Pay Act, 1956, C.50, s. 22; Fair Wage Policy of the Government of Canada, 1954, P.C. 1954 - 2029; etc.

[2] Alberta, Government, The Human Rights Act, Chapter 179 (1966).

[3] Alberta, Government, Bill 177: An Act to Amend the Human Rights Act, Chapter 48 (1971).

(b) the right of the individual to equality before the law and the protection of the law;
(c) freedom of religion;
(d) freedom of speech;
(e) freedom of assembly and association; and
(f) freedom of the press.[1]

The 1966 White Paper set up an administrative body -- Alberta Human Rights Branch -- with the following responsibilities:

(a) to forward the principle that every person is equal in dignity and rights without regard to race, religious beliefs, colour, ancestry, sex or place of origin;
(b) to promote an understanding and acceptance of compliance with the act;
(c) to develop and conduct educational programmes designed to eliminate discrimination.[2]

From the contents of this act and similar legislation in human rights it would be observed that, in the past, the concern for human rights has largely been focussed on political and legal rights of the individual: the right of free expression, of assembly, of freedom of religion, equality before the law, etc. More recently, however, another dimension of human rights has become increasingly emphasized -- economic rights, as well as rights of the poor to participate in all forms of activities of the society. Important as political and legal rights may be, there is a growing belief that there must be a guarantee of certain basic economic rights if individuals are to enjoy true freedom. Such rights are set out in the Universal Declaration of Human Rights, adopted by the United Nations in 1948. Article 25 of this document states:

---

[1] Alberta, Government, Alberta Bill of Rights and Individual's Protection Act, (1973).

[2] Ibid.

> Everyone has the right to a standard of living adequate for the health and well being of himself and his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.[1]

More recently, the United Nations Covenant on Economic, Social, and Cultural Rights, adopted by the General Assembly in 1966, gave endorsement to similar economic rights in Article II, which states:

> The State Parties to the present covenant recognized the rights of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The state parties will take appropriate steps to ensure the realization of the rights, recognizing to this effect the essential importance of international cooperation based on free consent.[2]

Economic and Social Progress : Alberta Scene

During the present decade, the Province of Alberta in particular, and Canada in general, have made considerable progress towards higher standards of performance in relation to several basic economic and social goals.

While there is much cause for satisfaction regarding the performance of the economy during the past decade, there are some basic causes for concern. The Economic Council of Canada drew attention to two of these blemishes in its Fifth Annual Review. The first is that we have been experiencing large persistent and widespread increases in prices and costs that are unacceptable as a basis for good performance in the economy.

---

[1] Ian Brownlie, ed., "Universal Declaration of Human Rights," Basic Document on Human Rights (Oxford: University Press, 1971), p. 111.

[2] *Ibid.*, p. 203.

Such increases force a cruel tax upon the poor and those who are unable to defend themselves against its eroding effects on real income and savings.

Another major blemish is that too many Canadians have been left outside the mainstream of the overall economic advance and have not shared adequately in the general prosperity. A special conclusion drawn by this report is that there are many people in the society today who are poor and poverty must surely be considered one of the greatest destroyers of human rights, because it denies individuals facilities for social and economic growth in the society.

Discrimination compounds the alienation of the poor. This seems to be the situation in Edmonton. The weapon of discrimination is frequently and consistently being directed against the low socio-economic groups. No government can be proud and satisfied with its development if a significant part of the society is not participating in all aspects of social development. Any person suffering from serious economic and social deprivation is in all likelihood somewhat alienated from a society. In other words, he will likely be nonparticipant in society's affairs, instead living on its periphery and feeling entrapped by a sense of hopelessness, defeat and despair. Because the poor in Edmonton do not have recognizable spokesmen or groups to represent them, they are collectively inarticulate and, therefore, politically invisable. The position of the poor, vis-a-vis the Alberta Human Rights legislation, invites attention and analysis.

Nature and Significance of the Study

The Province of Alberta, like the other Canadian provinces, includes human rights laws in its statutes, thus guaranteeing some of the basic rights to the individual. In spite of this, it is evident in the City of Edmonton that solutions to fundamental human rights problems, such as discrimination, have not been found. As a consequence, ". . .the economic, social and cultural rights indispensable for human dignity and free development of human personality,"[1] called for so explicitly in the Universal Declaration of Human Rights, are not being realized. Furthermore, the right to work and the right to decent accommodations are not being realized by the economically and socially disadvantaged people, many of whom are without jobs and decent homes. Injustices of one kind or another still exist in the City and are tolerated.

This study is particularly necessary at this time because:

1. There is a need for an objective analysis of human rights problems in Edmonton in view of the many violations of the Act within the City;

2. There is a need for a study based on empirical data which will serve as evidence to the Alberta Human Rights Branch;

3. There is a need for this study at this time because of the City's commitment to participatory democracy--a system which is only possible in a society where human rights laws are in force. Of significance is the fact that the present Government of Alberta has placed importance on equal opportunity by enacting the Alberta Bill of Rights. Of equal significance is the fact that there has been no prior study of this magnitude in the City of Edmonton.

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[1] Ibid., p. 113.

The Purpose of the Study

1. To examine the degree of awareness of human rights and civil liberties in Edmonton within the low socio-economic groups.

2. To identify major areas of human rights and civil liberties violation.

3. To appraise the roles of the Alberta Human Rights Branch, which is responsible for the enforcement of human rights laws.

4. To propose a model for a community development programme designed to bring about awareness of the Act to low socio-economic people.

Initiation of the Research

In Summer, 1972, the writer was employed by the Citizenship Branch of the Department of the Secretary of State, as a Research Officer in the Federal Government Career-Oriented Summer Project. The observations and analyses in this thesis are the outcome of the writer's field experience with the low socio-economic groups in Edmonton and with government agencies concerned with this group. The position permitted extensive contact with several people whose incomes fall within poverty range. During the same period, contacts were also made with key human rights personnel -- the Ombudsman, the Director offEdmonton Social Security Council, the City Police Chief, the Liaison Officer, the Citizenship Branch, and the Department of the Secretary of State.

The case materials on human rights presented in Chapter V are partly based on direct observation and partly on documentations from human rights agencies in the City. Most of the data are derived from interviews with the poor and with agency officials who are directly involved with human rights enforcement.

Relevant literature and government publications were reviewed to provide an historical framework of the evolution of human rights and civil liberties in Alberta. The Government White Paper on human rights was made available to the author and this broadened the scope of the work. Newspapers, radio, and resource persons in this field were other important sources of data.

Limitation and Validity

It is necessary to recognize the obvious limitations of a study that attempts to analyze a new 'dilemma' in a pluralistic urban complex such as Edmonton. Since this study relies heavily on interviews, and "because memory and retention are highly selective processes,"[1] and embarrassing experiences are frequently forgotten or consciously avoided, accounts of the interviewees are subject to these weaknesses.

While an attempt was made to present case studies based on the best available evidence, validity is very much subject to the objectivity of the narrators. Thus, the author's deduction must be considered as a possible explanation from available information rather than as vigorous inferences from hard data. Like all social science research, this investigation suffers from the dilemma which Marris and Rein pointed out in their study of the American war on poverty: ". . .every essay in sociological interpretation is a compromise between the need to say something to the point, before it is too late, and the need to make sure that what you said is true."[1]

---

[1] Ralph Berdie, "Psychological Processes in Interviewing," Journal of Social Psychology, XVIII (August, 1943), 3-31.

The colour and nationality of the author and those of the interviewees put them in two different worlds of discourse and, perhaps, social philosophies. This creates a situation of ascribing different values and meaning to social phenomena. As such, the attributes of the author and interviewees created some limitations.

The Plan of the Thesis

The thesis is organized in the following fashion: Chapter One is a brief introduction to the problem to be examined, namely, an overview of Human Rights Legislation, the nature and significance of the problem, and the purpose of the study; Chapter Two is a description of the low socio-economic people in Edmonton; Chapter Three discusses methods of research work and the selection of the sample and field work by the author; Chapter Four is data analysis; Chapter Five examines cases of Human Rights violations and agency actions; and Chapter Six is a summary of findings and conclusions.

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[1] Marris and Rein, Dilemma of Social Reform (New York: Atherton Press, 1964), p. 3.

CHAPTER II

URBAN POVERTY - EDMONTON PERSPECTIVE

Introduction

> . . .it is not to die, or even die in hunger, that makes a man wretched; . . . But it is to live miserable we know not why - to work some and yet gain nothing; to be heartworn, weary, yet isolated, unrelated, girt in with cold universal laissez-faire -- this is the essence of poverty.[1]

Poverty and its powerlessness is a form of social injustice. The poor are not mere beneficiaries of welfare and other social assistance programs, but they are a group that have been wronged. They are wronged because institutions are unjust to the extent they systematically deny to some the opportunity for personal growth. This denial may take place either by the erection of discriminatory bars to participation or by tolerating incapacitating conditions which effectively disqualify certain individuals or groups from participating. W. Bloomberg (Jr.) observed that the perpetuation of an environment -- the ghetto, for example, which prevents persons from developing skills and habits necessary for subsequent participation in the life of the society, is as much a wrong as the maintenance of discriminatory institutions which deny persons admission to places where opportunities are located.[2]

---

[1] Robert Hunter, "To live miserable we know not why," Poverty (New York: Macmillan, 1912), pp. 1-2.

[2] W. Bloomberg, Jr., and H.J. Schmandt, (eds.), Urban Poverty: Its Social and Political Dimensions (Beverly Hills, California: Sage Publications Inc., 1970), pp. 37-56.

Historical Perspective

Contemporary provisions for dealing with poverty and current ideas, beliefs, attitudes, and values regarding poverty in Canadian society are strongly linked to the past. Given below are some notes on the more important and influential historical elements.

Poverty was often sanctioned by the Christian Church as a desirable attribute. The exemplified austerity of priests, monks, nuns, and other religious functionaries throughout Western history served to reinforce this attitude. How pervading this attitude is in contemporary Canadian society is unknown to this writer. However, it is the impression of the author that frame of mind still influences a good many Canadians in their conceptualization of poverty.

Throughout the Middle Ages, one of the primary functions of the Church was charity. The rich were supposed to receive their "reward" by a modest degree of sharing with the poor. Often, wealth and poverty were attributed to divine intervention, particularly among the wealthy who rationalized that their good fortune was equated with spiritual worthiness and who comforted themselves that the poor fortune of others must have been equally deserved.[1]

This kind of reasoning about poverty and provisions for the poor was reflected in the English Public Poor Relief Provisions, first formulated in 1536. Under these rulings, pauperism was equated with crime and treated accordingly. Begging became illegal, the destitute were disenfranchised and had to be reduced to complete pauperism in order to qualify for aid. This was the origin of the so-called means test which has survived today, as any person seeking assistance can verify.

---

[1] Robert Straus, The Problem of Conceptualizing Poverty (San Francisco: Chandler, 1969), p. 8.

Amendments to the English Poor Law established public taxes to provide relief, thus affecting a secularization of charity with emphasis on local-community responsibility for its implementation. However, provisions of the poor law included either work or punishment for the able-bodied poor, incarceration for the unproductive poor, and apprentice labour for their children.[1] No relief was given if relatives of the impoverished person were able to provide support.

This attitude towards the poor (as already expressed above) holds that social welfare institutions should come into play only when the normal structures of supply, the family and the market break down. This approach (called residual) went largely unchallenged in Canadian society until several decades ago. Indeed, the residual approach to poverty still casts a long shadow over present-day provisions, attitudes, beliefs, and value toward poverty.

Throughout Western Europe, feudalism gradually gave way to capitalism. The growing foetus of capitalism fertilized by the industrial revolution, gave birth to a society greatly different -- politically, economically and socially -- from the feudal society which it replaced.

By the nineteenth century, capitalism was well-engrained in Europe. Europe had witnessed a great development in production, an increased facility for the distribution of goods, and the reorganization of finance.

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[1] Ibid., p. 9.

The great wealth that accrued from these advances was not, however, distributed among the population with any degree of equality. In fact, the capitalist system in this era favoured the concentration of great wealth in the hands of a few. The result was an increasing tendency for society to become divided along economic lines. At the top of the socio-economic scale were the European aristocracy, who had amassed great fortune. At the center of the scale were the "lesser bourgeoise", and at the lower end of the scale were the working class who owned little more than their ability to work.

During this era, a number of theorists tried to explain the phenomenon of inequality. Of these theorists it was Karl Marx, more than any Western thinker, who elucidated the "obvious." Marx viewed poverty as inherent in the capitalist economy which he saw as a method of exploiting the poor and maintaining the vast majority of the people in a precarious economic existence. To Marx, capitalism created a new kind of industrial poverty, sanctioned by the state and church. The precision of Marx's dialectical chain of reasoning is open to question. But in understanding the dynamics and general direction of the industrial masses, his reasoning has been greatly confirmed by events.[1]

Culture and Poverty

A recurrent question, which appears in much of the literature on poverty, is whether the differences between the poor and the more

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[1] R. Colin Hales, Karl Marx and Scientific Socialism (New York: Washington Square Press, 1964), p. 84.

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affluent groups in society are due to the development of a distinct culture of poverty. In the last decade, the concept of a culture of poverty has become widely popularized, and at the same time it has generated a great deal of controversy. Two major proponents of this concept are Oscar Lewis and Michael Harrington.

Canada does not have so bountiful a collection of writings on poverty because poverty as a social problem was only recently recognized as a national problem. As a result the reaction is to turn to the United States, which for several years has been dealing with this problem. According to Miller:

> Two approaches, not always clearly noted, are employed in defining the 'lower class.' One approach emphasizes the definition of groups in terms of 'class' characteristics, especially economic role or income. The other employs 'cultural' or 'status' criteria as style of life.[1]

He stated that "poverty in America forms a culture, a way of life and feeling that makes it a whole,"[2] adding that the "poor are held back by their own pessimism" and the "impoverished American tends to see life as a fate, an endless circle from which there is no deliverance."[3] Walter Miller cautions against stereotyped and over simplified descriptions stemming from the tendency to view the lower class in terms of other class values, and points to sub-types of lower class culture including a stable lower class group which is not subject to the aspiration or frustration observed by Cloward and Ohlin in their stories on deliquency.[1] Miller argues that it is the tremendous pressures, both cultural and economic, placed on the lower class people that force them daily to conform to a set of values and modes of behaviour inappropriate to their milieu. He dismisses the cultural approach because it stresses the defects of the poor without focusing on the possibilities of change. Frank Reissman succeeds in introducing us to his view of the quality of life and response of the under privileged, as well as that group's perception of society from which it feels alienated.[2]

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[1] Michael Harrington, The Other America: Poverty in the United States (New York: Macmillan Co., 1967), p. 152.

[2] *Ibid.*, p. 156.

[3] *Ibid.*, p. 158.

More recently the same author called attention to what he considered to be the strengths of the poor which, if understood, could enable the "care-taker professions" to reach and work with the group in effective ways.[3] Among such characteristics he mentioned, absence of competitive strain, humour, ability to express anger, freedom from self-blame, and freedom from potential over-protection.

Oscar Lewis, as he studied the poor, employed the cultural or status criteria such as "style of life" rather than "income." He summarized his reasons for believing there is a culture of poverty when he said:

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[1] Walter B. Miller, "Implications of the Urban Lower Class Culture for Social Work," Social Service Review (September, 1959), p. 219, and Richard Cloward and Lloyd E. Ohlin, Delinquency and Opportunity (New York: Free Press of Glencoe, Inc., 1960).

[2] Frank Reissman, The Culture of the Deprived Child (New York: Harper and Row, Publishers, Inc., 1962), p. 26.

[3] Frank Reissman, "The Strengths of the Poor," Social Welfare Forum National Conference on Social Welfare (New York: Columbia University Press, 1964), p. 184.

> In anthropological usage, the term culture implies essentially a design for living which is passed down from generation to generation. In applying this concept of culture to the understanding of poverty I want to draw attention to the fact that poverty is not only a state of economic deprivation, of disorganization or of absence of something. It is also something positive in the sense that it has a structure, a rationale and defense mechanisms without which the poor could hardly carry on. In short it is a way of life remarkably stable and persistent, passed down from generation to generation along family lines. The culture of poverty has its own modalities and distinctive social and psychological consequences for its member.[1]

Lewis believes this culture of poverty has some universal characteristics which transcend regional, rural-urban and even national differences. He claims:

> The economic traits which are most characteristic of the culture of poverty include the constant struggle for survival, unemployment and under employment, low wages, a miscellany of unskilled occupation, child labour, the absence of savings, a chronic shortage of cash, the absence of food reserves in the home, the pattern of frequent buying of small quantities of food many times a day as the need arises, the pawning of personal goods, borrowing money from local money lenders at usurious rates of interest, spontaneous informal credit devices (tandas) organized by neighbours and the use of second hand clothing and furnitures.[2]

He goes on to cite certain psychological characteristics of culture of poverty: (a) living in crowded quarters; (b) a high incidence of alcoholism; (c) frequent resort to violence in the settlement of quarrels and frequent use of physical violence in the training of children; (d) early initiation into sex, free unions or consensual marriages; (e) a trend toward mother centered families; (f) a strong present time orientation with relatively little ability to defer gratification and plan for the future; and (g) a sense of resignation and fatalism based upon their difficult life situation.

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[1] Oscar Lewis, The Children of Sanchez (New York: Random House, 1961), p. xxiv.

[2] *Ibid.*, xxv.

The above views have been expressed by men with keen insights into modern poverty. They all define the poor as having incomes which are now very far below the level required to enable them to enjoy those minimum objective standards which knowledgeable people deem to be even barely adequate on the current American standard of living with respect to food, clothing, housing, medical care, education, rewarding leisure and in margin of saving.[1] According to Lewis, about twenty percent of the poor in the United States exhibit characteristics qualitatively different from the majority of the middle class. In other words, he is saying that twenty percent, therefore, exhibit characteristics of a culture of poverty.

Dimension of Poverty in Canada

The analysis of poverty is complicated by the many meanings and shades of meanings attached to the term. Poverty is relative in space and time, thus, what we consider poverty in Canada may be a high standard of living elsewhere. Similarly, the poor of 1972 may have been wealthy by past standards. Poverty, then, is defined by standards which change as society changes. On the relativity of poverty Galbraith writes:

> People are poverty-stricken when their income, even if adequate for survival, falls markedly behind that of the community.[2]

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[1] Leon H. Keyserling, Progress or Poverty (Washington, D.C.: Conference on Economic Progress, 1964), p. 24.

[2] John Kenneth Galbraith, The Affluent Society (Toronto: The New American Library of Canada Ltd., 1965), p. 251.

By this definition, poverty in a particular community is relative to a specific income and those whose income falls below this figure are said to be living in poverty. Galbraith hints at an awareness of a wider interpretation of deprivation, however, when he writes:

> Who can say for sure that the deprivation which afflicts him with hunger is more painful than deprivation which afflicts him with envy of his neighbour's new car?[1]

The Ontario Federation of Labour, in its study Poverty in the Midst of Plenty, states that, ". . .comforts once thought of as luxuries are now common place and have become necessities."[2] The main concern of the Federation in its report, however, is not with the supply of items formerly regarded as luxuries, but with the provision of basic needs. "Poor," the report observed, "refers to those. . .whose basic needs exceed their means and resources for satisfying them."[3] Feldman outlined these needs when he said:

> We should define poverty in terms of those who are denied the minimal levels of health, housing, food and education that our present state of technological and scientific knowledge specifies for life as it is lived in this country.[4]

Many of the terms used so far are relative to the standard of the society and of individuals within the society. The "minimum standard of living necessary for decency," "basic needs," "minimal levels," and

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[1] Ibid., p. 124.

[2] Ontario Federation of Labour, Poverty in the Midst of Plenty, Cover Title, Poverty in Ontario, 1964 (Toronto: Ontario Federation of Labour, 1964), p. 9.

[3] Ibid., p. 6.

[4] Francis Lomas Feldman, The Family in a Money World (New York: Family Service Association, 1956), p. 7.

"adequate family incomes" are terms subject to varying interpretations. Nonetheless a number of basic ideas are embodied in the definition of poverty given above. One is that there are certain basic material needs such as food, shelter and clothing, regarding which a society lays down standards by which these needs must be met. When these needs are not met according to the standards of the society, people are said to live in a state of poverty or deprivation. Beyond this there are other needs which range in significance from the need for education to the need for an electric toothbrush. When what is possessed by some becomes desirable to others, a sense of relative deprivation ensues. One's awareness of unfulfilled and unattainable needs and desires constitutes a state of deprivation.

Who are the Poor?

Broadly, there are two groups of low socio-economic persons (poor): the welfare poor and the working poor. By using the poverty line developed by the Economic Council of Canada (ECC) in the mid-1960's, we find that the poor are those who spend more than seventy percent of their income on the basic necessities of food, clothing and shelter. In dollars, the ECC method produced poverty lines of $1,000 for a single person, $2,500 for a family of two, $3,000 for a family of three, and $500 for each additional person up to five persons (1961 figures). As of 1961, some 916,000 non-farm families, plus 416,000 individuals, were below these levels. The total number of persons involved was about 4.2 million, including 1.7 million children under sixteen years of age. In all they accounted for some twenty seven percent of the total non-farm population of Canada.[1]

Also in 1961, using the above poverty line, roughly 150,000 farm families, comprising about 550,000 persons, were living in poverty. The addition of these people to the non-farm group would have brought the low socio-economic percentage for all Canada, including farms, to just under twenty nine percent on the basis of the definition employed.[2]

Podoluk, anxious to bring the poverty line up to date, submitted, for the use of the Senate Committee on Poverty, what he considered as the "updated poverty line."[3] The table reads:

TABLE 1

POVERTY LINE RELATED TO FAMILY SIZE

Family Size	1961	1969	1970	1971
1	$1,500	$2,400	$2,600	$2,900
2	2,500	4,000	4,300	4,800
3	3,000	4,800	5,200	5,700
4	3,500	5,600	6,000	6,700
5	4,000	6,400	6,900	7,600
6	4,500	7,200	7,800	8,600
10	6,500	10,500	11,200	12,400

Using Podoluk's figures as one of the most recent on the poverty line, it would seem that, in 1971, families with less than the following incomes were living in poverty -- $2,900 for a single person, $4,800 for a family of two, $5,700 for a family of three, $6,700 for a family of four, $7,600 for a family of five, and $8,600 for a family of six. By these figures, Podoluk illustrates the income at which families are considered to be living in poverty. In 1969, The Senate Committee on Poverty disagreed with the Economic Council of Canada's level of poverty on grounds which the Committee described as unrealistic. The Committee felt that the E.C.C. did not take into account families with six or more members, failed to make adjustments for relative income deprivation and failed to reflect rises in the general standard of living. The Committee established its own poverty lines somewhat different to the E.C.C. This gives a total poverty ratio of 25.1 percent for Canadians. The implication of this new "poverty line" is that one in four Canadians belongs to the poverty group.

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[1] Special Senate Committee Report, Poverty in Canada (Ottawa: Queen's Printer, 1971), p. 6.

[2] Ibid., p. 7.

[3] Senate Committee on Poverty, Memorandum to Staff (undated).

TABLE 2

COMPARISON OF SENATE COMMITTEE AND STATISTIC CANADA/E.C.C. POVERTY LINES BY FAMILY UNIT SIZE, 1969

Family Unit Size	Senate Committee Poverty Line	Statistics Canada/ E.C.C. Poverty Line
1	$2,140	$1,894
2	3,570	3,157
3	4,290	3,788
4	5,000	4,420
5	5,710	5,051
6	6,430	5,051
7	7,140	5,051
10	9,290	5,051

Source: Staff Study, D.B.S., "Income Distribution by Size in Canada," (Cat. No. 13 - 542, Table 7)

Characteristics of low-income people

When attempting to characterize the poor, one should be aware that it is often too easy to stereotype the poor, and characterization can be confused with the causes of poverty. Bearing this in mind, Harp and Hofley[1] found these to be critical features of the poor in North American society:

1. Occupational History. Intermittent employment with public assistance (transfer payments) as a major source of income. Employment is at the lowest skill level in the occupational hierarchy.

2. Community Characteristic. A deficiency of local organizations, inadequate service agencies, and low level of social participation. In rural areas, one finds small communities with large dependency ratios.

3. Family and Interpersonal Relationships. A high incidence of family instability, a greater number of households headed by females. Unsuitable and superficial inter-personal relations coupled with little knowledge of or involvement in activities of the larger society.

4. Value Orientation. A sense of powerlessness, dogmatism and authoritarianism in political ideology, fundamentalist religious views with strong inclination toward belief in magic, low fulfillment of needs and low level of aspiration for the self.

Looking at low socio-economic families in Canada under the following headings: region, residence, earners, and miscellaneous, using 1961 Census figures, we have:

(a) Region

- 16 percent in Atlantic provinces
- 28 percent in Quebec

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[1] Harp and Hofley, Poverty in Canada (Scarborough, Ontario: Prentice-Hall of Canada Ltd., 1971), pp. 224-227.

- 30 percent in Ontario
- 18 percent in Prairies
- 8 percent in British Columbia

(b) Residence

- 36 percent in urban over 100,000
- 28 percent in other urban
- 36 percent in rural

(c) Earners

- 76 percent of families have one or more earners in family
- 24 percent have no earners in family
- 66 percent are or have worked during the year

(d) Miscellaneous

- 67 percent have elementary education or less
- 85 percent of families have a male head.

The Economic Council of Canada. in its Fifth Annual Review, pointed out that the notable characteristic of poverty in modern times is:

> . . .that it is so located in both city and country and often so disguised (it does not, for example, invariably go about in rags), that it can pass largely unnoticed by those in happier circumstances. An occasional glimpse from a car window; a television show or Saturday supplement article - these may be the only manifestations of it which touch many a middleclass consciousness. Yet the figures - even the conservative rather tentative estimate. . .show indisputably that it is there, almost everywhere in Canada, on a larger scale than most Canadians probably suspect.[1]

Poverty Dimension: Edmonton Case

Reliable estimate of poverty dimension in Edmonton is made difficult by conflicting "poverty lines" prescribed by various authorities in this field. However, looking at the percentage distribution of low income, non-farm families, the Fifth Annual Review gives a guideline from which a fair estimate could be made. The Review suggests:

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[1] Economic Council of Canada, "The Challenge of Growth and Change," Fifth Annual Review (Ottawa: Queen's Printer, September, 1968), p. 103.

> 1. Sixty-two percent of low-income non-farm families in 1961 lived in urban areas, and of this group more than half lived in metropolitan areas.
>
> 2. Eighty-three percent of low-income non-farm families lived elsewhere than in the Atlantic Provinces: fifty-three percent of them lived in Ontario and the Western Provinces.
>
> 3. Sixty-eight percent of the same group of families had heads who were in the labour force for at least part of the year.
>
> 4. Seventy-six percent of the group had one or more earners in the family, and sixty-six percent of families obtained most of their income from wage, salary, and self-employment earning.
>
> 5. Seventy-seven percent of family heads in the group were under sixty-five years of age.
>
> 6. Eighty-seven percent of families in the group were headed by men.[1]

Although this does not give us exact figures of people living in poverty in Edmonton, it does offer a basis for estimate. The tabulation illustrated by the Dominion Bureau of Statistics showing poverty in Alberta indicates widespread distribution of poverty in Edmonton.

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[1] Ibid., p. 113.

TABLE 3

PERCENTAGE OF POPULATION LIVING IN POVERTY AND DEPRIVATION, ALBERTA URBAN AREAS, 1961

Family Status	Income Level	
	Under $3,000	Under $4,000
Families	16.9%	31.3%
	Under $1,500	Under $2,000
Non-family persons	40.3%	48.8%

Source: Dominion Bureau of Statistics, 1961 Census Canada, Bulletin 4 1-3 (The 1972 Census figure is not available for publication).

Based on this income figure, it is possible to see the extent of poverty in major urban cities in Alberta, which shows that 16.9 percent of Urbanite families earn less than $3,000 per annum, while 40.3 percent of non-farm persons were living on incomes less than $1,500. Similarly, 31.3 percent of families lived on incomes under $4,000 compared with 48.8 percent individuals who lived on income of less than $2,000 during the same period.

Based on the estimates shown in Table 4, it is suggested that out of 456,000 people living in Edmonton, about 40,000 live in poverty. This figure represents 8.76 percent of the Edmonton population.

TABLE 4

PERCENT DISTRIBUTION OF TOTAL FAMILY INCOME, BY FAMILY SIZE, SHOWING AVERAGE INCOMES, URBAN ALBERTA 1961

Income Group	Family Size					
	1	2	3	4	5	6
Total	100.0	100.0	100.0	100.0	100.0	100.0
Under $1,000	3.1%	6.4%	2.6%	1.4%	1.1%	1.6%
$1,000-$1,999	5.8	13.1	4.2	2.5	2.1	1.9
$2,000-$2,999	8.0	12.5	8.8	5.7	4.8	4.3
$3,000-$3,999	14.4	15.1	16.4	13.4	12.2	13.4
$4,000-$4,999	16.9	13.1	17.6	18.7	19.3	18.8
$5,000-$5,999	15.3	11.5	15.6	17.0	18.1	17.6
$6,000-$6,999	11.6	9.7	11.4	13.1	12.5	12.1
$7,000 or more	24.9	18.6	23.4	28.2	29.9	30.4
Average	$5,894	$4,944	$5,723	$6,299	$6,612	$6,819
No. Families	198,367	57,819	41,035	46,331	29,154	24,028

Source: Dominion Bureau of Statistics, 1961 Census of Canada, (unpublished tabulations).

1972 Low Income Estimates in Alberta -- Statistics Canada Survey

Preliminary estimates prepared by Statistics Canada from data collected during the Survey of Consumer Finances in April, 1972, indicate the incomes of all families and unattached individuals in Alberta in 1971 averaged $8,550. The Canadian average was $8,643. Fifty percent of all families and unattached individuals in the Province had incomes over $7,710.

Family incomes in 1971 averaged $9,954 in Alberta; the Canadian average was $10,112. Fifty percent, approximately 382,000 families in the Province had incomes over $9,291.

"Family" is defined as a group of individuals sharing a common dwelling unit and related by blood, adoption or marriage.

"Income" includes wages and salaries from both full and part-time employment, net income from self-employment, investment income, government transfer payments, and income from other sources, such as pensions, scholarships and annuities, prior to deduction for tax. An "Unattached Individual" is defined as a person living by himself or rooming in a household where he is not related to other household members.

The following low income cut-offs were used by Statistics Canada in the April, 1972 Survey arbitrarily to identify low income individuals and family units: One person - $2,013; two-person unit - $3,355; three-person unit - $4,048; four-person unit - $4,697; five or more-person unit - $5,368.

By the criteria chosen, 18.4 percent of Alberta families and 36.4 percent of the unattached individuals in Alberta had low incomes in 1971.[1]

Socio-psychological effects of Poverty

It is generally accepted that an individual subjected to pains and affliction of poverty is "powerless," because the individual sees himself as poverty-stricken, rejected by the society around him, and completely alienated from the economic, political and cultural life of the larger society. He feels he is powerless and estranged from the community, even from his immediate relations and friends. Ian Adam, recalling his painful and youthful experience in a similar situation, said:

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[1] Alberta Bureau of Statistics, Department of Ministry of Tourism, Preliminary Estimates on Survey of Consumer Finance in April, 1972. Catalogue No. 13-206.

> I believe it was during those years that I learned that poverty is in reality a small world, its boundaries defined by day to day confrontations with frustration, bitterness and deprivation. These encounters are the daily reminders to the poor of the barriers between them and the larger world of affluence.[1]

Bateman, after studying low-income families in Alberta, outlines five aspects of the sense of powerlessness resulting from low income and poverty: (1) a feeling of being in a futureless position from which the victim thinks there is no escape; (2) a certain life style of deprivation; (3) an increased dependency on "helping" agencies; (4) a high rate of mental health resulting from increased psychological and financial stress; and (5) the attitudes and beliefs held by the poor.[2]

The poor feel they have no future. This situation is worsened by the lack of money to buy and plan for the future. They lack the opportunities to escape from day to day crises and confrontations with the world around them. Equally true is the fact that the poor are denied sufficient skills and education to prepare them for a responsible future.

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[1] Ian Adam, The Poverty Wall (Toronto: McClelland and Stewart, 1970), p. 15.

[2] D.S. Bateman, "Advocacy as a Community Development Technique," (unpublished M.A. thesis in Community Development, University of Alberta, 1971), p. 14.

Haggstrom emphasized the psychological characteristics of the poor when he said:

> Caught in the present, the poor do not plan very much. They meet their troubles and take their pleasures on a moment to moment basis; their schemes are short term. Their time perspective is foreshortened by their belief that it is futile to think of the future. . . . Pessimism and fatalism about being able to affect one's own situation stems from a feeling of being victimized by superordinates, capricious, and malevolent natural and social forces. Their lives appear to them to be fixed by the immutable forces of fate, luck and chance.[1]

The self-concept associated with this is a kind of vicious circle. Since the individual conceptualizes himself as living a life without future, he resorts to alcohol, sex, and other social crimes in a fruitless attempt to obtain the joy and happiness which he thinks he could not otherwise get. His day to day crisis imprints in him an attitude of physical violence as the only basis of settling any quarrel.

Inclan, in her research for the United States Department of Health, Education and Social Welfare, suggests that an anomaly of life at the poverty line is evident. For people living in conditions of obvious helplessness, this fatalistic attitude affects the way they live and behave. She describes three distinctive themes peculiar to lower socio-economic behaviour that result from environment of powerlessness: fatalism, orientation to the present, and authoritarianism.[2] This seems to have aptly summarized the lower socio-economic people in Edmonton.

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[1] W.C. Haggstrom, "The Power of the Poor," Poverty: Power and Politics, ed. I.C. Waxman (New York: Grosset and Dunlap, 1968), p. 271.

[2] L.M. Inclan, ed., Low Income Life Style (Washington: Department of Health, Education and Welfare, 1961), p. 5.

Poverty and Human Rights

So far, this chapter has examined day to day economic and social problems which face poverty stricken people in an affluent urban society. Poverty arising from simple lack of money and poverty characterized by demoralization, despair and hopelessness were also discussed. Hopelessness invokes feelings of futurelessness and a life-style of deprivation in the minds of the poor.

Edmonton, with her sound economic base, is one of the fastest growing cities in Canada. Despite her economic growth, Edmonton harbours significant numbers of people whose annual income justifies their being described as "poor." Economic and social growth in an urban complex increases social obligations and other burdens to most urbanites. To some people these obstacles are surmountable with the right type of value orientation. Those who suffer discrimination are in double jeopardy. Describing the fate of poor migrants in the city, Snider et al commented,

> . . .not only are they reduced to being particles of the metropolis, a fate they share with all other urban dwellers, but they are often deprived of the necessities which make possible a minimum quality of urban life --an adequate home and access to urban amenities.[1]

Human Rights and Participation

The dollar cost of discrimination and prejudice is discussed in Chapter Six. As background information, it is necessary to examine briefly the relationship between poverty and political participation.

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[1] L.E. Snider and George Kupfer, "Urbanization in Alberta: A Sociological Perspective," Urbanization and Urban Life in Alberta (Edmonton, Alberta: Human Resources Research Council, 1970), pp. 48-49.

Despite the great deal of writing that has been devoted to the relationship between poverty, prejudice and participation in the economic, social and political life of the community, there has not been any substantial measure of agreement on many important aspects of that relationship. However, it is evident that those of lower incomes or those subjected to some measure of discrimination fail to participate in the social and political life of the community to the same extent as higher economic groups.[1] There seems to be a fairly direct and clear relationship between economic class and extent of participation. Those who are poor participate less than other groups with more economic and social power, while those low income people who in addition are victims of discrimination and prejudice generally do not participate in the political and social life of the community at all.

The word "participation" appears here in a general sense, including the regular and periodic ways in which the public tends to influence governments and other similar social institutions. This includes voting, party work of many varieties, following public affairs, influencing public policies, discussing social, political and administrative issues, and a wide range of political activities such as talking to friends about major day-to-day problems.

The social and political life of the urban ghetto is affected daily by decisions and actions of governments; however, the involvement of the urban poor and human rights victims in these processes is only nominal. In an age of increasingly complex governmental organization and decision-making, the extent to which the individual citizen influences government in a direct and readily perceivable manner is very small and periodic at best. When we look at the socially disadvantaged people as a group, however, it is clear that, even in aggregate terms, few of their members vote. Voting can be construed as the most rudimentary general way in which citizens express public preferences. Thus, in conceiving participation as voting, party activities, running for offices and lobbying to influence public policies, we are conceptualizing political participation in a manner which virtually excludes the urban poor.

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[1] C.F. Lester, and W. Milbrath, Political Participation (Chicago: Rand McNally and Company, 1965), pp. 116-117.

CHAPTER III

RESEARCH PROCEDURE

Origin of the Research Project

This study originated as a result of contact between the M. A. Programme in Community Development at the University of Alberta and the Department of the Secretary of State, Citizenship Branch, Edmonton, during the Summer of 1972. The University of Alberta's Interdisciplinary Committee in Community Development placed graduate students, including the author, with the Secretary of State for internship. Students were asked by the liaison officer of the Department of the Secretary of State, Mr. R.G. Wray, to engage in a number of research topics. In a meeting the students were informed of the areas which the Secretary of State wanted researched. Among the topics mentioned was the awareness of human rights within low socio-economic groups. As a foreign student curious to understand the problems of the poor related to the effectiveness of human rights laws in a complex society, this research topic appealed to the author.

After a careful consideration of the proposals at hand, two students dropped out leaving only three students to research the various problems presented. Mr. Stuart K. Travis, another student, elected to research the areas of "Discrimination and the Alberta Human Rights Act in Lethbridge," Mr. M.L. Kurichh chose to investigate "The Problems of New Immigrants," with particular reference to Oriental immigrants into Canada, and thus it was decided that the author research the awareness of "low socio-economic people" in Edmonton of the Alberta Human Rights Act of 1966.

Preliminary Preparation

The students who were to research on different aspects of human rights laws had to become acquainted with the areas which they were to study. To this end, Mr. Wray outlined the implication of the study and analyzed the historical development of his department's concern for human rights, especially with respect to the low socio-economic people in Edmonton. He discussed prejudice and discrimination in generalistic terms and mentioned names of experts on Human Rights within the City of Edmonton whose services could be made available to us in due course. Two Human Rights Officers from the Alberta Human Rights Association spoke to the researchers at later meetings. An officer from the Branch, Mr. K.C. Henders, discussed the nature of conciliation and enforcement programmes, the role of the Human Rights Branch and outlined the provisions of the Human Rights Act. Mrs. R. Schacter, President of the Alberta Human Rights Association, discussed education and community organization programmes of her Association in the areas of human rights.

A third meeting was arranged with the Ombudsman. He discussed the function of an Ombudsman in the community and his role in relation to the Alberta Human Rights Act and its administrative unit -- the Alberta Human Rights Branch. He related that his organization is active in initiating cases by testing suspected incidents and by providing appropriate advice to affected individuals. He said he encouraged discussions, studies and publications aimed at bringing public awareness to the loopholes in and the limitations of the Act.

The three researchers also spent considerable time in acquiring a broader understanding of the nature of the problem they were about to study. They read and studied the literature of the Human Rights Branch and similar institutions across Canada. Literature on prejudice and discrimination were read in an effort to gain understanding of their meaning and what factors were operative in their rise and development. Particular emphasis was placed on the study of "awareness of human rights," and "the major areas of human rights violations" based on the unpublished records of the Human Rights Branch.

Area and Scope of the Study

The first major problem was to decide which sections of the selected population should be used for the purpose of this study. The problem was overcome by the arbitrary decision to choose, "The Challenge of Growth and Change," from the Fifth Annual Review of the Economic Council of Canada[1] for background information, which outlines the extent of low-income in Canada. The Council concluded that low-income people and individuals were defined as those using sixty percent or more of their income for food, clothing and shelter. On this basis, low-income families and individuals would include single persons with incomes below $1,000, families of two with less than $2,000 and families of three, four, five or more with incomes of less than $3,000, $3,500 and $4,000 respectively.[2]

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[1] Economic Council of Canada, "The Challenge of Growth and Change," Fifth Annual Review (Ottawa: Queen's Printer, 1968), pp. 108-121.

[2] Ibid., p. 110.

Using these figures as a basis of measurement, subjects for study could be welfare recipients or those in "privation" - a group of low income people who are seldom found on welfare rolls and who struggle to be self-supporting. This group of people are reputed to manage on their income but, in reality, do without some of the comforts of life. They include those whose economic and social life style forced them into a sense of entrapment and hopelessness. Such people are said to live life without basic amenities and comforts -- those whom Kupfer, Diadio and Magneson, in their Report to the City of Edmonton on a special project for Resource Mobilization for Employment, confirmed as belonging to these categories:

> Two different kinds of poverty very closely inter-related become evident. First, there was poverty involving the simple lack of money. Second, there was a type of poverty characterized by demoralization, despair, hopelessness. These individuals are lacking in the spirit of life and had simply resigned themselves to a vegetative kind of existence. . . . During the last two years we were in contact with people who are experiencing both types of poverty simultaneously.[1]

To keep the Economic Council of Canada's poverty line abreast of the present day cost of living index, it was thought desirable to update it. Thus, the income line used to determine respondents in this study was as follows:

Family Size	Income
1	$2,100
2	3,400
3	4,100
4	4,800
5	5,500
6	6,200

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[1] G. Kupfer, et al, Final Report, Resource Mobilization for Employment (Edmonton: City of Edmonton Social Service Department, 1970) p. 175.

Rationale for Income Line

The rationale for an arbitrary income as the poverty line in this study is similar to the idea expressed by E.A. Jenness when he stated:

> What then should be our yardstick of social need today? The initial answer is that there is no yardstick -- that any dividing line will be arbitrary, discriminatory and unfair to some. Nonetheless in so urgent a field as that of social welfare, impression represents a difficulty to be noted not a deterrent to research.[1]

The poverty line chosen for this study took into consideration a number of these objections.

Research Design

The research design which was chosen as appropriate for this study was the formulative or exploratory method. Exploratory or formulative studies, as defined by Selltiz, et al, serve the following purpose:

> . . .to gain familiarity with phenomenon or to achieve new insights into it, often in order to formulate a more precise research problem or to develop an hypothesis.[2]

This exploratory-formulative method of design allows for a good deal of flexibility and is particularly suitable for research activity in areas where little exploration has been done and where there is an absence of clearly defined questions for research. Other important functions of this research design include increase of the investigator's familiarity with the phenomenon he wishes to investigate and subsequently a more highly structured study of the setting in which he plans to carry out such a study. It helps to clarify concepts and establish priorities for further research.

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[1] R.A. Jenness, "The Dimension of Poverty in Canada," Report of a meeting on poverty of the Special Planning Secretariat (Ottawa, 1965), p. 5.

[2] Claire Selltiz, et al. (eds.), Research Method in Social Relations Toronto: Holt, Rhinehart and Wilston, 1959), p. 5.

Often the most difficult portion of an inquiry is its initiation. This initial problem is minimized by a careful choice of research design. Exploratory or formulative study is appropriately considered as an initial step in a continuous research process. As Northrop pointed out:

> Again and again investigators have plunged into a subject matter, sending out questionnaires, gathering a tremendous amount of data, even performing experiments, only to come out at the end wondering what it all proves. . . . Others, noting the success of a given scientific method in one field, have carried this method hastily and uncritically into their own, only to end later in a similar disillusionment. All such experiences are a sign that the initiation of inquiry has been glossed over too hastily, without any appreciation of its importance or its difficulty.[1]

Interview Schedule

Interview was decided on as a method of data collection. For high quality of data collection and analysis, it was also decided that all interviews be tape recorded.

The choice of an interview schedule as opposed to a conventional questionnaire was justified in Claire Selltiz _et al_'s _Research Method in Social Relations_, for the following reasons:

1. the interview provides greater flexibility in eliciting information;

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[1] F.S.C. Northrop, _The Logic of Science and Humanities_ (London: Macmillan Press, 1947), p. 48.

2. there is generally a lower proportion of response to a questionnaire than to an interview;

3. in an interview it is easier to assure validity of reports since the interviewer can observe both what is said as well as how it is said;

4. since there are often a limited number of respondents, the factor of expense and the ease of administration (both provided by a questionnaire) have been ruled out.

Selltiz et al also outlined major disadvantages of using interviews instead of questionnaires:

1. a questionnaire allows the respondent much more time to consider his responses before replying and, therefore, places less pressure on him to answer truthfully and promptly;

2. the anonymity of a questionnaire would, in this case, allow the respondents to feel freer to express their views (it should be observed that this was compensated for, to some extent, by assuring respondents of anonymity).

3. the questionnaire is more standardized than the interview and thus assures greater uniformity.[1]

Realizing that the advantages of the interview schedule were much stronger than its weaknesses its choice became obvious. Because it allows more in-depth study than the questionnaire, it is possible to rephrase questions to make sure they are understood by the respondent and to probe the replies in order to clarify the respondent's meaning.

Type of Interview

> Often the simplest and most economical method of obtaining 'facts' is to go directly to the people who are in a position to know them and to ask for the desired information.[2]

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[1] Selltiz et al, p. 224.

[2] Ibid., chapter 7.

Because the writer was concerned about finding the facts, it was decided to go to the people who knew the facts. A draft questionnaire relative to the fact finding was developed.

A standardized interview, with all respondents being asked the question in the same way, was considered appropriate in this study. One type of information which had to be sought from respondents was with regard to their feelings, for example, feelings about present human rights and past experiences on human rights. In addition, the interview had to be planned to include an estimate of the respondent's feelings and some assessment had to be made as to how far his present situation affected his future aspirations --in areas of employment or in other community endeavours.

In view of this, open-ended questions were designed in order to permit the respondents to reply freely. Selltiz commented on such interview techniques when she observed:

> When open-ended questions are used in standardized interviews, the questions and their order are predetermined but the interviewer is given freedom to repeat the question if the reply is not to the point and to use, at his discretion, such non-directive probes as 'won't you tell me more? What makes you think. . . ? Why? In what way?' etc. The task of the interviewer is to encourage the respondent to talk freely and fully in response to the questions included in the interview schedule and to make a verbatim record of his replies. Generally, he has no freedom to raise new questions except to clarify the meaning of the subject's responses and these must be non-directive.[1]

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[1] _Ibid_., p. 259.

The Design of Research Schedule

The initial draft of questions came under four broad headings: personal data, legislation, conciliation; and education. The questions under personal data were designed to test how far the respondents fitted within the income cut-off of this study. The questions under legislation were designed to find out the interviewee's attitude towards and knowledge about the Alberta Human Rights Act of 1966. The questions under conciliation were designed to discover attitudes towards the conciliation process in their particular cases, and what their feelings were about settlements reached and the Branch's efforts in their cases. Some questions under education pertained to the educational process of the Human Rights Branch. The purpose of these questions was to find out the effectiveness of the educational programmes of the Human Rights Branch. Some of these questions were constructed to elicit the complainant's awareness of the necessary steps in lodging a complaint, and if they would advise others who encountered similar discrimination on the procedure of filing their complaints.

Finally, space was provided at the end of the interview schedule for the interviewer's judgment and comments about the interview in order that these could be kept separate from the actual replies by the interviewee.

The first draft of the interview schedule was discussed with Mr. Wray, liaison officer, Citizenship Branch, and with Dr. A.S.A. Mohsen, Associate Professor, Department of Sociology, who was the Internship Supervisor for the Interdisciplinary M.A. Programme in Community Development in 1972. Both Mr. Wray and Dr. Mohsen scrutinized the draft, rephrased some questions, eliminated unnecessary questions, weighted the emotional content or bias of the questions, suggested questions to provide 'breathers' for the interviewee, and considered the psychological order of the questions. This process had to be repeated a number of times before the schedule was ready for the pre-test interviews.

Selection of the Sample

The selection of a sample of interviewees for this study was a source of real difficulty. Realizing that the majority of workmen in Edmonton are members of various trade unions, it was considered that contact with union leaders would be a step in the right direction. If the union leaders cooperated, it would be possible for them to provide a list of union members whose income matched the sample requirements of this study. When approached by the writer, most of the union leaders demonstrated their willingness to cooperate. This was evidenced by their prompt response to supply the writer with names of their union members whom they considered would meet the requirements already discussed.

The writer's first preliminary contact with the union members met with strong resentment on the part of some. They maintained that the writer had no right to pry into their private lives, no matter what the reason. A few were annoyed with their union leaders who supplied their names, thus portraying them as poverty stricken people. Mr. Wray had to intervene with a few telephone calls to some of these people to explain the genuine intentions of the study; however, his appeal did not seem to make much difference to their position.

The initial object in selecting interviewees among trade union members and similar organizations was that it would introduce a bias, since only those who wished to cooperate within the union would be interviewed. As a result, those people who were interviewed may have been more or less willing to hide certain facts which might have been found among those who were reluctant to be interviewed until they were sure of the intentions of the study. But, since only persons willing to be interviewed should be approached, the objection stood unjustified.

A strong weakness in the reliance on trade unions was that such an approach would exclude the low socio-economic people who were not members of recognizable trade union movements within the City. The unemployed, people on welfare, and the self-employed would have been denied opportunities of being interviewed. Besides, studies in Edmonton have shown that the greater percentage of low socio-economic people come from unemployed and welfare recipients.[1]

More discussions were entered into between the writer, Mr. Wray and Dr. Mohsen which resulted in some representations being made to some community organizations in Edmonton. It was decided to enlist the cooperation of the Family Services Association, the Edmonton Housing Bureau, and the Social Planning Council, all of which deal with the day to day needs of low socio-economic people in Edmonton. Contact with the leaders of these community organizations showed that they were very enthusiastic and interested by the scope and nature of the study. Familiarization interviews were held with representatives of each of these organizations. Their cooperation and interest in this study were tremendous.

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[1] E.D. Parnell, Alternative to Poverty and Welfare in Alberta. (Edmonton: Edmonton Social Planning Council, November, 1972), p. 13.

After a full discussion with trade union officials and leaders of community organizations on the qualifying criteria of prospective interviewees, the list turned in by the various organizations was as follows: 38 respondents from the trade unions; 40 from the Family Services Association (FSA); 39 from the Edmonton Social Planning Council (ESPC); 30 from the Alberta Human Rights and Civil Liberties Association (AHRCLA); 27 from the Edmonton Housing Bureau (EHB); and 62 from the Marian Centre (MC).

The qualifying restrictions placed on the potential respondents rendered a large percentage of them ineligible. The elimination was based on a number of reasons:

1. Respondents without identifiable residence;
2. Those who could not be reached on telephone for an interview to be arranged;
3. Respondents whose family's combined incomes exceeded the poverty cut-off in this study.

The 207 who met the sample requirements and who were willing to be interviewed were selected for final interviewing.

Pre-testing Research Schedule

To determine whether the schedule would be adequate, it was decided to pre-test it in a trial run. Three respondents were approached and interviewed on this run. On the basis of the trial run, further changes were made in certain questions in the schedule.

Final Version of the Schedule

The final version of the schedule included questions about education, employment, exclusion from membership of trade unions or other social organizations on the basis of their racial ancestry, economic status, etc. A face sheet was attached to record the date and number of the interview and information about family size and composition. Much of the factual data and some basic information about feelings was obtained from "closed" or "fixed alternative" questions.[1] Open-ended questions in which the respondent was left free to answer in his own words were also used, especially to elicit such information about the respondent's future aspirations and those of his children.

Interviewing

Interview appointments were arranged over the telephone with the prospective interviewee. The writer carried with him a letter of introduction from the liaison officer, Citizenship Branch, Department of the Secretary of State, his University of Alberta I.D. Card, and the official letter of Summer 1972 Employment by the Federal Public Service Commission to indicate that his study was a legitimate survey.

Interviewing began in June, 1972. Most of the interviews took place in the respondents' homes, however a few respondents were interviewed in the Marian Centre and some others at the respondent's place of employment. The average length of time of an interview was fifty minutes. In the case of married couples, the husband was the sole respondent in some cases, the wife in others and sometimes both husband and wife responded equally to the questions. This resulted in some unevenness in the data collected because in some cases the man was more knowledgeable than his wife about certain aspects of the data but less knowledgeable about others. Some data, therefore, were less thoroughly covered; for example, the respondents' future aspirations and those of their children.

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[1] Selltiz _et al_, pp. 256-257.

Interviews were to a large extent standardized, with the interviewer following the questions on the interview schedule. However, there was room for some spontaneity because of open-ended questions, and in this way the interview was to some extent unstructured. This resulted in a good deal of variety on the qualitative data. Most of the respondents interviewed at their homes were very hospitable and friendly. In some cases the interview lasted beyond the thirty to forty minute mark because of considerable time spent on preliminary introductions and explanation of the purpose of the study.

By October 1972, the interviewing had been completed. Of the total people interviewed, 30 names had been obtained through various trade unions, 36 through the Family Services Association, 30 through the Edmonton Social Planning Council, 28 through the Alberta Human Rights and Civil Liberties Association, 25 from the Edmonton Housing Bureau and 38 from the Marian Centre. Table 5 gives a breakdown of the major sources of data collection.

TABLE 5

DATA REPORT

	Unions	FSA	ESPC	AHR	EHV	MC	Total
Interviews completed	20	23	21	20	20	36	140
Interviews uncompleted	4	5	2	-	-	8	19
Interviews refused	6	8	8	7	5	14	48
Interviews attempted	30	36	30	28	25	58	207

Validity and Reliability of Schedule

In order to ensure validity of responses the schedule was pretested on three people. The interviews were conducted by the writer and each question was explained thoroughly. If it appeared that a respondent did not understand the question, the question was reworded. Other measures taken to ensure validity and reliability included:

1. each respondent was asked the same question;
2. the same interview situation was used for each interviewee;
3. questions were repeated or rephrased to ensure that the respondent understood what was being asked;
4. non-directive probes (example, why; explain; any reason for that?) were used to encourage the respondents to elaborate on their replies;
5. to ensure that responses were being interpreted correctly, the replies were rephrased and repeated to the respondents;
6. to ensure accuracy all interviews were tape-recorded.

CHAPTER IV

ANALYSIS OF DATA

Part 1

Introduction

Before analysing the data concerning the level of human rights awareness within the low socio-economic group and the principal areas of human rights violations in Edmonton, it is necessary to review some of the theories that describe the causes of prejudice and discrimination.

Social scientists agree that all behaviour is motivated consciously, pre-consciously or unconsciously. At times behaviour may stem from one level of consciousness while at other times there may be an intermingling of two or three levels. This chapter does not attempt to make an exclusive study of available literature on the subject, but deals briefly with some of the main theories of causation and combat of social conflicts. The basic question is, what are the intellectual and emotional factors which may be motivating prejudiced people to behave unfairly and unkindly to their fellow men?

Definition of Prejudice

Allport traced stages in the transformation of prejudice in the following words:

> The word prejudice, derived from the Latin noun praejudicium, has, like most words, undergone a change of meaning since classical times. There are three stages in the transformation:
>
> (a) To the ancients praejudicium meant a precedent. . .a judgment based on previous decions and experiences;

> (b) Later, the term, in English, acquired the meaning of a judgment formed before due examination and consideration of facts. . .a premature of hasty judgment;
>
> (c) Finally, it acquired its present emotional flavour of favourableness or unfavourableness that accompanies such a prior and unsupported judgment.[1]

This definition has positive as well as negative implications. Michael Banton states that "pre-judgments are necessary in all cases and they become prejudices only if they are not subject to modification in the light of experiences."[2] Simpson and Yinger add another component when they said: "It is an emotional, rigid attitude, a pre-disposition to respond to a certain stimulus in a certain way. . . . The prejudiced person selects some facts for emphasis and is completely blinded to others."[3]

Robert McIver contends that prejudice manifests itself in two ways:

> Type one is simply a reflection of prevailing social attitudes by the individual. The prejudice he displays is something that he has learned in simple and casual ways. He has a ready-made classification of people in convenient groups and the feeling tones that are attached to each group are equally ready-made and inherent in the system of groupings that were passed on to us. In group two prejudice becomes a necessary part of the personal economy of its possessor, because it meets a need created by the dynamics of tension within his personality. The ready-made target for hostility

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[1] G.W. Allport, The Nature of Prejudice (Garden City, New York: Doubleday and Co., Inc., 1958), pp. 6-7.

[2] Michael Bouton, White and Coloured (London: Jonathan Cape, 1959), p. 23.

[3] G.E. Simpson, and J.M. Yinger, Racial and Cultural Minorities (New York: Harper and Brothers, 1958), p. 14.

> is very valuable --may be even necessary in maintaining a particular equilibrium.[1]

Prejudice is an attitude or a matter of belief which is composed of many factors. Primary among these is man's failure to accept his present state, his rate of psychological development and adverse circumstances. In his search for security and self-assurance he measures himself against the achievements of others. Stereotypes, myths, and scapegoats are among the items which shrink calibrations used to measure others. In using these means, however, he has failed to acknowledge that he measures himself in yards and others in meters. They decrease while he increases in value. It would be a mistake to think of this as a linear cause-effect phenomenon. The cause and effect are mutually supportive and thus the process resembles what is commonly known as a "vicious circle."

Definition of Discrimination

Discrimination is defined in the Oxford dictionary as meaning, "the power of observing differences accurately or of making exact distinctions." This term in itself does not have value, but becomes negative when the person practising the discrimination bases his decision on factors other than logic and reason and when the said individual becomes unreceptive to any new, unfamiliar or unacceptable idea.[2] Discrimination in this sense is negative, harmful behaviour occasioned by a difference of race, creed, nationality, colour, place of origin or economic status. When there is differential treatment because of individual differences we talk of discrimination. This was illustrated in a Southern Ontario report where a well-dressed, "clean cut" Negro businessman was told that there was no boat available. Several minutes later, however, another tourist who was a white was offered a choice of several boats. It is also illustrated in the refusal to serve a twenty-seven year old Native person by a motel manager in Edmonton (See - A Motel Case, Chapter 5). It is this supposed inequality which is so hurtful towards the discriminated person. "Racial discrimination creates inequality without taking account of special characteristics of the individual as such, but on the basis that he belongs to a particular group."[1]

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[1] Robert M. McIver, The More Perfect Union (New York: Macmillan Co., 1948), p. 18.

[2] J.D.M. Griffin, "Discrimination: What it does to man," Do Unto Others (Ottawa: Queen's Printers, 1955), p. 13.

Relationship Between Prejudice and Discrimination

Prejudice is an attitude or matter of belief and discrimination is a mode of behaviour. The precise connection between these two concepts is of primary importance. Simpson and Yinger state that:

1. There can be no prejudice without discrimination;
2. There can be no discrimination without prejudice;
3. Discrimination can be among the causes of prejudice;
4. Prejudice can be among the causes of discrimination;
5. Probably most frequently they are mutually reinforced.[2]

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[1] M. Jahoda, M. Deutsch, and S.W. Cook, Research Methods in Social Relations (New York: Dryden Press, Part 1, 1961), Appendix B.

[2] G.E. Simpson and J.M. Yinger, p. 21.

The person who is strongly prejudiced against slave owners but has never met one is a possible illustration of the first category, since he would have no opportunity to express his attitude in the form of discrimination. The second concept is more complicated. Simpson and Yinger illustrate with the example of, ". . .a businessman who might refuse to accept clients from a minority group, despite his own personal lack of prejudice, because he thinks that their presence would injure his business."[1] This could be latent or indirect prejudice, or a passivity with a negative component which will finally yield prejudice. It is, undoubtedly, intellectual dishonesty that allows this person to put material gain before his convictions.

During the actual interviews, the writer met a number of persons who were accused of violating the Human Rights Act. One of them was a caretaker of an apartment who told the writer, in a subsequent interview, that his reluctance to rent to colored people was because he would not risk losing his majority white-tenants (see Apartment House Case in Chapter 5). In such examples, the accused discriminators stated that they were not prejudiced but felt they must protect their investments This is the type of person whom Borovoy refers to as the "gentleman bigot."[2]

Causes of the Problem

Prejudice and discrimination in most cases is not due to one specific cause but in most cases there may be a number of causes so intricately interwoven that it would be very difficult to diagnose what makes one individual prejudiced. The reasons advanced by social scientists in the field of intergroup relations for the existence of prejudice and discrimination are many. In this section some of the causes will be reviewed.

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[1] Ibid., p. 19.

[2] A. Alan Borovoy, "Human Rights and Racial Equality. . .The Tactics of Combat," (Toronto: Ontario Woodsworth Memorial Foundation, N.D.), p. 8.

Power Conflict

Rose defines power conflict as "a struggle for control of scarce resources."[1] The scarce values may be economic in which case the majority seeks domination over the minority group in order to take its wealth or labour and may enslave or underpay the minority group members. The struggle for the economic resources or cheap labour serves well to explain the reason why Negroes were enslaved in the English Colonies and in the United States in the early sixteen hundreds. Frazier related economic factors with Negro slavery:

> It was not due solely to difference in race that Negro slavery grew and finally supplanted white servitude. There were powerful economic factors such as the demand for cheap and permanent labour supply that decided the fate of the Negro.[2]

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[1] Arnold W. Rose, "Race and Ethnic Relations," in Contemporary Social Problems, ed. by Robert Morton and Robert Nisbeat (New York: Harper and Brothers, 1953), p. 341.

[2] Franklin Frazier, The Negro in the United States (New York: Macmillan Company, 1957, Revised ed.), p. 22.

Other scarce values for which the majority group seeks domination over the minority include prestige, symbolic expression of ascendancy, and sexual access. John Dillard emphasized conflicts over these values in his study of Negro-White relations in the Southern United States:

> In 'Southerntown'. . .upper classes are too secure to need much prejudice and lower class whites feel some sympathy for the Negroes because of similar difficulties, whereas, the middle classes, not certain of their status and anxious to improve it, draw sharp lines of prejudice.[1]

Ideological Conflict

Rose defines ideological conflict as "a struggle for the supremacy of maintenance of a given way of life or belief system."[2]

In ideological conflict, the majority and minority have opposing sets of values, each one believing his values to be the best. In the past, ideological conflict has been mainly between religious and ethnic groups. In recent times, ideological conflicts are more political and economic, especially in specific content of the values contested. The aim of power-type conflicts is to assume possession of scarce values, whereas the aim of ideological conflicts is to assimilate or convert those who do not accept what the group considers to be true and necessary values.

Myrdal points out the ideological basis of the pro-slavery theory:

> The pro-slavery theory of the ante-bellum South is basic to certain ideas, attitudes, and policies prevalent in all fields of human relations, even at the present time. The

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[1] John Dillard, Caste and Class in Southern Town (New Haven, Conn: Yale University Press, 1937), pp. 22-78.

[2] Rose, p. 342.

> central theme in the Southern theory is the moral and political dictum that slavery did not violate the 'higher law,' that it was condoned by the Bible and by the 'laws of nature' and that free 'society,' in contrast, was violation of the laws.[1]

Social Structure

Certain social structural factors relate to prejudice and discrimination. Rose found, in a study of forty societies, that absolute monarchies showed the greatest violence toward minorities, especially in regard to personal violence and economic exploitation of the less privileged.[2] Cultural traditions of prejudice and discrimination, while they cannot be considered as causes, have transmitted from generation to generation patterns of prejudice and discrimination toward the minorities, even when the causes that gave rise to them have disappeared.

Psychological Factors

Much has been written about the frustration-aggression theory which is more popularly known as the "scapegoat" theory. Scapegoat is a term which comes to us from the ancient Hebrews who annually drove goats into the desert with the sins of Israel to perish there.[3] The term is still used for an innocent substitute who gets punished for someone's trouble or anger.

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[1] Gunnar Myrdal, An American Dilemma (New York: Harper and Brothers, 1944), pp. 86-87.

[2] Rose, pp. 342-343.

[3] Leviticus 16:29

When frustration is operative on a mass level, great evils may result. Arnold Rose felt that:

> . . .continued low pay, bad economic conditions and unemployment in the Southern States has caused a frustration which has been focused on the Negro. During times of business depression, when many people are unhappy, there is increase in violence against Negroes in the Southern States. The big depression of the 1930's saw the birth, in the United States, of 114 organizations which spent their time and money in spreading hate against the Jews.[1]

The illustration of frustration on the mass level is not unrelated to individual frustrations as we would find them operative in individual discrimination in Edmonton. Not all frustration is dealt with in the above manner. In some cases, necessary action is taken to remove the frustration or frustration is avoided. Others accept it as inevitable and try to adapt to the circumstances.

Personal Advantage

When the element of personal advantage exists the bigot is presented with a ready-made rationalization for his deeper fears. Borovoy has stated that ". . .the 'gentleman bigot' of Canada loathes violence in the South and says he likes all races, but when it comes to accomodating them he cannot, because his business may suffer.[2] A Dalhousie University Study of conditions in Halifax concluded that ". . .white employers may, for personal reasons or in deference to the

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[1] Liston Pope, The Kingdom Beyond Caste (New York: Friendship Press, 1957), pp. 25-28.

[2] Alan Borovoy, "Some Peculiarities of the Canadian Bigot," Human Relations (May-June, 1961), p.8.

(real or supposed) wishes of others on the staff or of customers, decline to hire Negroes or else employ them only in less-skilled jobs and away from public view."[1]

Ignorance

"A prejudiced person is fundamentally an irrational and unintelligent person, one who refuses to consider all the facts before he forms an opinion."[2] Ignorance is not only lack of knowledge, but also faulty knowledge.

When talking about ignorance in the context of prejudice one must deal with "stereotype." Stereotyping is used in two senses: (1) to refer to a tendency for a belief to be oversimplified in content; and (2) to refer to a tendency for a belief to be oversimplified in content and unresponsive to the objective factor.[3]

"The United States and South African Negroes have been stereotyped as being brutal, stupid and immoral, as well as happy, generous and faithful."[4] Allport sees stereotypes as primary rationalizers who change from time to time. They are prerequisite to prejudice. This would account for Negroes and Native People in North America being stereotyped as inferior humans who could not benefit from advanced education. Later the Negro has been thought of as intellectually superior -- too aggressive, rapidly mobile in an upward direction -- hence a threat to the security of the Whites.

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[1] Dalhousie University, Institute of Public Affairs, The Condition of Negroes of Halifax City (Halifax, Nova Scotia, 1962).

[2] Herbert H. Lank, "Discrimination is a form of 'Social Bullying,'" Human Relations 1:3 (1961), 5.

[3] D. Kroch, and R.S. Crutchfield, Theory and Problems of Social Psychology (New York: McGraw-Hill Company, 1948), pp. 171-172.

[4] Rose, p. 11.

Human Rights Organizations

When the Alberta Human Rights Act was established in 1966, a couple of organizations were created to give effect to the principles of the Act. The organizations include the Alberta Human Rights Branch (which now becomes the Alberta Human Rights Commission in accordance with the new Alberta Individual Rights Protection Act of 1973) and the Alberta Human Rights Association. Because of the varying roles which these organizations play in protecting human rights and liberties of individuals, it is necessary to give brief discussion of organizational set-ups of these bodies.

Alberta Human Rights Association

Historical Background

The Alberta Human Rights Association was formed in 1968 to coincide with the International Year for Human Rights. Since then, it has grown to occupy a strong position within the community. Two years ago another emerging civil liberties group decided to merge with the organization in an effort to promote the protection of the rights of people in Alberta.

Although they call themselves a provincial group, the Association's activities have been limited mostly to the City of Edmonton. The Association set up a Chapter in Calgary but because of lack of participation, it lasted less than a year. The Calgary Chapter was re-structured in 1972.

Structure

The Association has an executive committee consisting of twelve people of which John Packer is president. This committee is elected at the annual meeting. The organization functions on an established committee basis, that is, the main body acts on policies set out by the executive.

In addition to the executive committee, there are four other committees: Health and Welfare; Civil and Political Rights; Education and Liberties; and Housing. The thrust of the Association's activities is through these committees.

The Association has about 200 members of which most are inactive (as is the case in most voluntary groups). The Chapter does not seem to be fully satisfied with its structure. The structure of the Chapter will soon be revamped, probably into something similar to the British Columbia Civil Liberties Association (B.C.C.L.A.). They plan to change their name to "The Alberta Human Rights and Civil Liberties Association," and to provide for a Board of Directors, an Executive Committee, and an increase in the number of Standing Committees.

Activities

The Association has been taking on a certain number of individual cases and has instigated investigation into some obvious cases of discrimination. However, they have been only moderately active and they would like to greatly expand their activities in this area. Their financial resources, which are mostly based on voluntary donations, and their lack of full-time staff are two of their major handicaps. Two examples of cases taken on by the Association will show the importance of increasing this kind of activity. In the case of the "Single Men's Hostel" in Edmonton, some residents levied complaints of brutality against members of the staff employed by the hostel and a provincial government inquiry was set up.

In the matter of discrimination against Natives in the Sugar Beet Industry, the Association conducted an investigation. This investigation resulted in a strong, well-documented brief to the provincial government exposing discrimination against the Native people.

These two examples give an indication of the type of activity the Association is involved in and the importance of this involvement.

The Association also assists those who seek redress to their grievances through the courts, and this summer there were a number of cases before the courts in which the Association was involved.

In terms of educational activities, the Association has conducted workshops and seminars and has also been involved in publications on welfare rights, arrest procedures, etc. It has received good news media coverage which has helped in getting the Association known in the City of Edmonton and in the Province.

Community Credibility

It is evident that this group has a fair amount of credibility within the community. Nevertheless, there is room for improvement. For example, there is a lack of liaison with the legal profession although there is a certain conservatism within this latter group, the Association could expand more effort in attempting to ferret out the small portion of the legal profession who would be willing to assist in the promotion and the protection of the rights of an individual. For example, although there is a law school at the University of Alberta there is no participation by people from the law school in the activities of the group, although the law school is a logical place for the group to seek recruits and supporters.

Alberta Human Rights Branch

History

The Legislative Act[1] which ushered in the Alberta Human Rights Act of 1966 also established an administrative set-up -- the Alberta Human Rights Branch--to effect the principles of the Act. The duties of the Branch were to enforce the Act on the basis of conciliation method, to educate the citizens regarding human rights, and to conduct research in its area of responsibility. The Act is designed to secure in law the rights of every citizen of Alberta and to create a climate of understanding and mutual respect among the people of the Province with a view to affording them the unhampered opportunity to contribute their maximum to the enrichment of the whole community.

The Administrative Structure

As a branch of the Department of Labour, the Human Rights Branch is directly responsible to the Minister of Labour. The Branch is made up of the 'Administrator' and his staff, all professionals, who are responsible for implementation of decisions of the Branch.

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[1] Alberta, Government of, The Human Rights Act (Edmonton: Queen's Printer, 1966), Chapter 178.

Functions of the Branch

It is the Branch's duty to investigate all complaints which are made with regard to alleged discrimination in the Province of Alberta. Complaints may be made by telephone, followed by completion of the necessary "complainant form" (see Appendix B), by letter or by visits to the Branch's office in Edmonton. Some complaints are channeled through lawyers and ethnic organizations. These in turn forward the complaint if the client so desires.

If the situation of the complaint is covered by legislation, a formal complaint form is filed and signed by the complainant. The Branch does not exist for the purpose of punishing offenders of the Act. The fundamental aim is to secure the human rights for all citizens within the scope of existing legislation.

Mode of Conciliation

The Human Rights Branch does not approach the respondent as a policeman serving a summons, but as an arbitrator and conciliator who is interested in hearing both sides of the story. Thus the Branch does not concentrate on the issue of legal guilt but on the issue of effecting a satisfactory settlement.

This approach is not always successful. Hostile respondents who are not willing to conciliate the matter are warned that a board of inquiry will be established if they do not comply. Part Two, Section 13 of the Human Rights Act provides for a board of inquiry in situations like this. The hearings of the "Board of Inquiry" are of a quasi-judicial nature in which the board of inquiry is appointed by the Minister of Labour on the recommendation of the Branch. "The Board possesses powers similar to those of a conciliation board under the Alberta Human Rights Act."[1] Interested people and the press are welcomed. If the respondent does not coöperate with the decision of the board, or if the board is convinced that an act of discrimination did occur, it can advise the minister within fourteen days[2] to issue an order requiring a cessation of the discriminatory practice. Further refusal on the part of the respondent may demand prosecution and a fine.

Part II

Detailed analysis of this study will be based on a number of cases which will be described in Chapter Five. Before then, it is thought desirable to consider first the sources of general information regarding socio-economic characteristics of the sample.

Family Size

Of the 140 completed interviews, a total of fifty were single people; forty were husband and wife, twenty-five were three member families, fifteen four family units and ten were five member units. Table 6 gives a breakdown of family size.

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[1] *Ibid.*, Part 2, Section 14.

[2] Ibid., Part 2, Section 15.

TABLE 6

FAMILY SIZE OF RESPONDENTS

Size	Number	Percentage*
Single	50	35.7
Two	40	28.7
Three	25	17.8
Four	15	10.7
Five	10	7.1
Six	0	0.0
Total	140	100.0

*percentage is rounded up.

Sex

An attempt was made to include a fair proportion of the sexes in the sample. Table 7, which gives the sex distribution of the interviewees, shows sixty interviewees, representing 42.6 percent, of the sample were females, and eighty, representing 56.9 percent, were males.

Age Distribution

Poverty cuts across various age groups. To make this sample truly representative of the population, an attempt was made to include various age groups in the sample. Table 8 shows the percentage breakdown of age groups.

TABLE 7

SEX DISTRIBUTION OF THE SAMPLE

Age Category	Male	Percent	Female	Percent	Total
20 - 25	20	14.2	25	17.8	45
26 - 35	25	17.8	20	14.2	45
36 - 45	23	16.4	10	7.1	33
46 - 55	9	6.4	5	3.5	14
56 and over	3	2.1	-	-	3
	80	56.9	60	42.6	140

TABLE 8

AGE DISTRIBUTION OF RESPONDENTS

Age	Number	Percentage
20 - 25	45	32.1
26 - 35	45	32.1
36 - 45	33	23.5
46 - 55	14	10.0
56 - 65	3	2.1
	140	100.0

Ethnic Distribution

It has already been stated that this study focuses on low socio-economic persons rather than on the conventional ethnic minority.

During the process of selecting the sample, it was considered important that the final sample should comprise major ethnic groupings in Edmonton. The table which follows shows the breakdown of interviewees along ethnic ancestry.

Table 9 shows that of the 140 interviewees in this study, 43.2 percent were Native People, 7.1 percent were blacks, 12.8 percent were Orientals, 5.7 percent were Anglo Saxons, 10.7 percent were French Canadians, 8.5 percent were Asiatics, 7.8 percent were of Jewish origin and 12.8 percent were unspecified.

TABLE 9

ETHNIC ORIGIN OF RESPONDENTS

Ancestry	Number	Percentage
Native People	48	43.2
Black/Negroes	10	7.1
Oriental Indians	18	12.8
Anglo Saxons	8	5.7
French Canadians	15	10.7
Asiatic	12	8.5
Jewish	11	7.8
Unspecified	18	12.8
Total	140	100.0

Awareness of the Alberta Human Rights Act

It has already been pointed out that, under the provision of the

the Alberta Human Rights Act of 1966, the Alberta Human Rights Branch was created within the Ministry of Labour. The Branch was charged with the responsibility of the enforcement of the fair practices legislation contained in the Act. Furthermore, the Human Rights Branch has to develop and conduct educational programmes designed to curb discriminatory practices, changing prejudiced attitudes, and making minority and other socially disadvantaged groups aware of the programmes of the Branch.

Is there evidence that the Human Rights Branch has been an effective organ in enforcing the Act and in developing effective educational programmes? Part of this section will attempt to answer this question.

In its 1971 annual report, the Human Rights Branch, in a positive answer to the question, said:

> Looking back over the year 1971, I think we have good reasons to believe that the Human Rights Branch became somewhat better known among Albertan citizens. The various promotional campaigns conducted by the Branch established contact with apartment managers and operators of hotels, motels and restaurants throughout the Province, and drew an estimated 8,000 responses by letter and telephone for additional information. In all, some 110,000 pieces of literature went out from the Branch in 1971. We now distribute about 3,600 copies of each issue of Human Concern. Branch staff also engaged in educational projects with 32 different organizations from Edmonton to Medicine Hat, from Drumheller to Brocket, directly involving some 1,800 persons.[1]

From the above claims of the Branch, contained in their 1971 annual report,[2] one might conclude that the message of the Alberta Human Rights Act was effectively preached to the members of this community.

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[1] Alberta Human Rights Branch, "Human Concern," The Year in Review, Vol. 4, No. 1 (Spring, 1972), 2-3.

[2] Ibid., 3

Of the 140 completed interviews, 42.5 percent have a general knowledge of the Act, 17.6 percent in addition knew specific provisions of the Act, 35.6 percent were unaware of the Act and 3.5 percent were indifferent.

TABLE 10

HUMAN RIGHTS' AWARENESS ACCORDING TO ETHNIC ORIGIN OF INTERVIEWEES

Ethnic origin	Total in sample	%	Gen.	%	Spec.	%	Not aware	%	No effort	%
Native People	48	43.2	13	9.2	8	5.7	27	19.2	-	-
Oriental	18	12.8	5	3.5	3	2.1	2	1.4	-	-
Black/ Negroes	10	7.1	11	7.8	5	3.5	1	0.7	1	0.7
Asiatics	12	8.5	3	2.1	1	0.7	8	5.7	-	-
Anglo-Saxons	8	5.7	2	1.4	2	1.4	-	-	4	2.8
French	15	10.7	9	6.4	4	2.8	2	1.4	-	-
Jewish	11	7.8	10	7.1	-	-	1	0.7	-	-
Unspecified	18	12.8	7	5.0	2	1.4	9	6.4	-	-
Total	140	100.0	60	42.5	25	17.6	50	35.6	5	3.5

From this table it could be said that some people in the sample lack awareness of the Human Rights Act. Sixty respondents agreed that they have a general awareness of the Act. When questioned on what they would do if they denied "accommodation, services or facilities available in any place to which the public is customarily admitted, because of race, religious beliefs, colour, ancestry or place of origin,"[1] most of them stated that they would not complain to the Human Rights Branch or to the Alberta Human Rights Association. One of the fundamental bases of human rights education is to enable victims of human rights violation to seek redress from appropriate quarters. "Awareness" in this study means knowledge of the existence of the Act and of the principle provisions of the Act. If respondents claim general awareness of the Act, but were ignorant of the provisions of the Act, there was some justification to include this group of respondents among people who have a limited awareness of the Act. Knowledge of the Act involves taking advantage of the provisions of the Act.

After a careful study of the number of interviewees who were unaware of the provisions of the Act, a number of questions came to mind:

1. Are the low socio-economic people so deeply involved in daily activities centered around earning a subsistence living that they lack the energy it takes to acquaint themselves with current issues such as human rights legislation?

2. Do they live in ethnic ghettos or ghettos of poverty so that they never attempt to seek services or accommodations from places, at which time awareness of the Human Rights Act would be gained?

3. Do they lack confidence in the government agency to help them improve their position in life?

4. Have they become passive about their station in life and thus accept things as they are?

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[1] Alberta, Government of, Alberta Human Rights Act, Section 3.

5. Have they not yet reached a point in which they would no longer tolerate the pressures of being held in subordination?

Some of these questions cannot be answered in this study since most of them are not the main focus of the study. However, they are vital questions for future research and investigation.

General Knowledge

Part II of the Research Schedule was designed to test how much respondents knew about the Human Rights Legislation. Sixty respondents indicated they had a general awareness of the Act (see Table 10). Thirteen amongst them were native people, five were Oriental, ten were Jewish and seven unspecified.

The following verbatim statements are examples of responses on "general awareness."

> Let me not kid you, I have a copy of the Act and look at it only when the need arises.
>
> Generally I have a copy of the Act. I don't read it. I am not convinced yet that I should study it.

Specific Knowledge

Respondents who indicated that they were aware of the legislation were asked whether they were familiar with different provisions of the Act. This question was designed to investigate what specific sections of the Act they were most knowledgeable about. Table 10 shows that of the twenty-five respondents who had specific provisions of the Act, eight were Canadian Indians, three Orientals, five Blacks, one Asiatic, two Anglo-Saxon and two were unspecified. The following illustrate some of their statements:

> Sure, I have read and studied the Act. I am aware of the areas that are often violated. . .accommodation, employment . . . .

> Yes I have read and studied the Act. I am aware of the areas that are and those that should be covered by the Act . . .specifically, the areas are public accommodation, employment, and housing. The law should not only cover multiple dwellings with more than three units, but all housing that is either sold or rented to the general public.

No Knowledge

Fifty respondents indicated they had no knowledge of the Human Rights Act. Broken down into ethnic origin twenty-seven were Native people, two were Oriental, one was Black, eight were Asiatics, two were French Canadian, there was one Jew, and nine were unspecified.

Included in some of their responses were:

> I don't think it makes some difference knowing the provisions of the Act. Maybe such knowledge makes my plight worse.

> No, I am not sure I know different provisions of the Act. I don't even know where to get hold of a copy.

Attitude Towards Legislation

Realizing that differences of opinion exist among people on the use of legislation as a means of attacking discrimination and changing prejudice, it was decided to elicit the respondents' feelings on Human Rights Legislation so that their attitude could be defined.

Respondents were asked to express their feelings toward the various provisions of the legislation, and specifically their feeling toward the law with respect to discrimination in employment, accommodation, illegal harassment by the police, etc. (Sections 3, 4, 5, Alberta Human Rights Act, 1966). Of the 140 respondents, 60 were generally positive but they were not specific in stating reasons for their feelings. Twelve respondents felt the positive aspect of legislation was that by curbing discrimination of all kinds the legislation was affirming the dignity and equality of the human person. However, one of the twelve respondents said, "Fair enough, you cannot legislate against prejudice. Legislation could be necessary, but it is not the whole answer." Forty-two respondents felt negatively about the effect of legislation while twenty-six were indifferent.

The following are tape recorded responses of the interviewees:

> I hate this talk of legislation. Do we need law to be recognized that we all are God's creation? By legislation, people are forced against their wish to accept oneness of humanity.
>
> Legislation is unreasonable! It causes hard feelings.
>
> Why do you talk of legislation? Does the Government respect its own laws? The Government should set the example. Legislation should only come as a last resort. The only language the government and our wicked society understand is violence. We must resort to violence if we want our appropriate places in the community.
>
> It should not be necessary if the government would set the policies and examples. If this cannot be done, then it is better to have a situation similar to South Africa. Legislation should be the last resort. Demonstrations in the United States are not effective, they should be more violent. It should go all the way, not half-way. People should not be afraid to die on what they believe in.

In summary, the attitudes of the respondents on Human Rights Legislation as a means of enforcing fundamental human rights and equality of human persons are summarized as follows: sixty respondents had positive feelings that legislation could accomplish the principle of natural justice; twelve respondents were optimistic about the ideals of Human Rights Legislation, especially its emphasis on the dignity of human persons; forty-two interviewees were negative; and twenty-six were indifferent.

TABLE 11

ATTITUDE TO HUMAN RIGHTS LEGISLATION

Feelings	No.	Percentage
Positive feelings about the legislation	60	42.8
Positive because it affirms the dignity of the human person	12	8.5
Negative feelings	42	30.0
Indifferent	26	18.5
Total	140	100.0*

*Percentage is rounded off.

Specific Things Liked About Human Rights Legislation

Respondents were further asked what they liked about the legislation. Of the twenty-five interviewees (see Table 10) who had specific knowledge of the provisions of the Alberta Human Rights Act, twelve saw the Act as the custodian of their human rights. Included in their responses were some of these comments:

> With the Act, Human Rights Agencies, Press and Media can move quickly to the aid of the oppressed.
>
> The Alberta Human Rights Act is a welcome substitute to the conspicuous omission of Constitutional provision of the BNA. This brings our society in line with civilized community of the world.

> For one thing--the Act works! The conciliation clause is great, and it solves the problem relatively easily.

Dislikes about the Legislation

Asked what they disliked about the legislation, five of the forty-two respondents who had negative feelings about the Act made comment:

> The conciliation process is nothing more than another delaying tactic designed by the Government to protect its machinery.
>
> Why only public places? It should have been extended to cover all housing. How do we define public places? Must all of us be lawyers to define public places?

The rest of the interviewees with negative feelings could not say what exactly they disliked about the Act.

Areas of Human Rights Violation

Respondents were asked which areas were most often violated in the Act. A number of respondents cited accommodation as the area most often violated. When asked about their feelings toward the public accommodation sections of the legislation in combatting discrimination, eight of the twelve complainants felt that the public accommodation section (section 3(b), Human Rights Act) was ineffective, two respondents would not commit themselves and the others felt the section was effective enough. It should be noted here that two of the respondents who felt positively about the accommodation section of the Act were Anglo-Saxon.

One of the reasons given by persons who felt that the public accommodation section of the Act was not effective was that the section did not cover private rentable houses. One of the respondents said:

> Apartment, okay, the Act is effective, but what prevents the designers of this Law from extending it to rooms in private homes which are disposed to rent. These are the people who perpetuate discrimination and prejudice.

Suggestions to strengthen the Act

Some respondents expressed concern and doubts on the effectiveness of certain sections of the Act, especially section 3 which prohibits denial to any person or class of persons accommodation, services or facilities available in any place; denial to any person or class of persons occupancy of any self-contained dwelling units in a building which contains three or more such units that are available for renting (section 4); and refusal to employ or continue to employ any person because of the race, religion, colour, ancestry or place of origin of that person (section 5). On the basis of the various concerns expressed by them, interviewees were asked whether there were other measures whereby prejudice and discrimination could be erradicated.

There was a measure of agreement that legislation alone is 'not the answer.' Education and strict legislation were mentioned by seventy persons, education alone by twenty-five persons, legislation plus media by fifteen, eleven respondents would not want any further measure, nine persons had nothing to suggest, five suggested existing legislation and long terms of imprisonment for violation and five persons opted for on-going violence. The following table shows the breakdown of suggestions:

TABLE 12

SUGGESTED MEASURES TO COMBAT DISCRIMINATION AND PREJUDICE

Suggested Measures	Number
Education plus Legislation	70
Education alone	25
Legislation and Media	15
Do Nothing	11
No Suggestions	9
Legislation plus severe imprisonment	5
Violence	5

Attitude Toward Human Rights Branch and Its Programmes

A secondary objective of this study was to examine the effectiveness of the Alberta Human Rights Branch in its conciliation programmes. It was considered that people who had lodged some complaints of discrimination with the Branch, and people whose complaints were conciliated through processes of investigation and interrogation would be in a better position to make some objective assessment about the Human Rights Branch's effectiveness with its enforcement programmes.

The list of respondents from the Alberta Human Rights and Civil Liberties Association contained twenty-eight names, seven of whom had had their cases conciliated by the Branch. On checking with other prospective interviewees from the sample, it was discovered that ten more had their cases conciliated by the Branch during the last two years.

Based on their contacts and experiences with the Branch, it was decided to ask these seventeen respondents what their attitude about the Branch was before, during, and after conciliation of their individual cases.

Attitude Before Conciliation

Respondents who had their cases resolved by the Human Rights Branch were asked what their attitude about the Branch was in its capacity to settle their complaints. Nine of the seventeen respondents expressed positive feelings about the Branch before taking their case to the Branch. Some of their responses include:

> I felt they were there to help me.
>
> I am confident in them, they are out to help us.
>
> They were thoughtful and thorough. They took time to get the whole story and did not brush us aside.

Two persons were uncertain about what the Branch could do.

> Out of curiosity. I wanted to see what would happen.
>
> One of expectancy, but somewhat uncertain about what they would do.
>
> I had an open mind. I was interested in how they would approach the situation.

Three respondents were uncertain and the last three were negative and hostile. One of them had this to say:

> I never had confidence. I was convinced not much could come out of my complaint. A bunch of do-gooders! They are all one and the same people. Don't be misled by their hypocrisy.

Attitude When Their Cases were Settled

The pattern was slightly changed when the responses of the complainants were analyzed in terms of their attitude towards the Branch at the time their cases were settled. Eight persons stated they were more positively disposed toward the Branch at the time of the settlement of their cases. A typical response was as follows:

> I was happy the Branch existed. I could have been skeptical initially, but I must accept they did a good job.

Three persons stated they were negative -- an increase of two. Four persons maintained open minds while two persons remained uncertain.

Current Attitudes

The pattern was reversed when the complainants responses were analyzed regarding their current feelings toward the Branch. Positive response dropped to seven while negative feelings increased to ten.

In summary, the attitudes of the complainants toward the effectiveness of enforcement programmes of the Act are as follows:

TABLE 13

ATTITUDE MOVEMENTS OF RESPONDENTS

Feeling	Before Complaints	At the time of Settlement	Current Feelings
Positive	9	8	7
Hostile	3	-	-
Open Mind	2	4	-
Uncertain	2	2	-
Negative	1	3	10
	17	17	17

Effectiveness of Education Programme

As part of its educational programme, the Branch makes known its activities and other human rights activities in daily newspapers and through television and radio announcements. How effective is the Alberta Human Rights Branch in reaching the lower socio-economic people through these media?

One hundred and forty persons were interviewed. Of these, forty-eight maintained they had neither seen nor heard radio or television announcements nor read newspaper accounts of the Human Rights Branch. Fifty persons stated they knew of the "Human Concern" pamphlets published by the Branch. Twenty-four interviewees stated they read newspapers and watched a couple of television programmes of the Branch. Eighteen persons agreed they had heard about the Branch's publicity through friends.

Attitude Toward Publicity by the Human Rights Branch

When asked what they thought of publicity as a method of combatting discrimination and prejudice, the majority of the interviewees saw publicity as generally helpful:

> There can be no question about the importance of publicity. Without it, I don't think there is any need for complaints to the Branch. Publicity brings the evils of prejudice and discrimination to the awareness of the public.
>
> Silence is de facto support for discrimination and prejudice. It does not end with only the media and the Human Rights Branch. The entire population should unite and shout aloud against discrimination. It is an ill-wind which blows nobody any good.

Thirty-one persons thought publicity was helpful in educating middle class Edmontonians on the 'evils of prejudice.' Publicity is also necessary for bringing the activities of the Branch to the notice of the entire public.

However, twenty-eight respondents were skeptical about the effect of publicity in solving human rights problems. A typical response is as follows:

> I do not believe in publicity, but rather education. I like to keep to myself and other people should live their own lives the way they want them.

The rest of the group had their reservations about the effectiveness of publicity:

> It depends on the type of publicity and what it is aimed at. It helps to eliminate fear of not being accepted. If there was more publicity, it would eliminate the fear of the discriminated group that all forms of discrimination awaits them.

CHAPTER V

CASE ILLUSTRATIONS

This chapter, which is made up of three sections, is presented to give a clearer picture of the types of human rights cases under study. Part I illustrates summaries of major experiences by some of the respondents, narrated to the interviewer during the field work. Part II shows the summaries of cases which illustrate the kinds of concerns handled by the Human Rights Branch in 1972. These cases are taken from the Human Rights Branch files and its 1972 Annual Report. Part III is a brief, analytical description of major areas of human rights violation -- housing, employment and police harassment.

PART I

Construction Company Case

A tractor operator said he had been working on a large construction job for ten years. He and a friend, also a caterpillar operator with considerable experience, together answered an advertisement to an oil preparation site somewhere in Northern Alberta. One of them had been on unemployment insurance and the other was on welfare. Because they felt it was time to get off "unemployment" and the "welfare" roll, both of them decided to find jobs being offered by a construction firm. They made an appointment and saw the personnel officer of the firm advertising for positions. These two gentlemen said they were given a long talk by the supposed personnel officer who said he was not being prejudiced against long hair and stuff like that. However, he said the company had rules and the oil companies who hired his company had rules too. The two prospective employees were advised to cut their hair and shave off their beards. They were also told that as soon as they carried out these instructions, cutting their hair short and shaving their beards, they would be hired. Both of them complied with the instructions, packed their luggage and were ready to go.

They showed up at the Industrial Airport on the agreed day of the journey between the prospective employees and the firm. The personnel officer who had concluded the hiring told them, "Sorry you are not going anywhere looking like that." A few words were exchanged between these friends and the personnel officer. As the two prospective employees insisted on being given sufficient reason for this last minute disappointment, the personnel officer said he discovered afterwards that the openings were frozen because of a new capital intensive policy being pursued by the firm. However, it was discovered that the senior officers of the firm would not approve the employment of certain Native people because they rarely stayed on the job. The two unfortunate men left, having lost their locks and beards, and were now without a job.

Automobile Parts Shop Case

A lady, who was born and raised on a farm in Saskatchewan, got a job at an automobile parts wholesale shop, a job conventionally given to men. However, she was willing to tackle it. For a few weeks she worked in the parts department, lugging around cases of oil and loading batteries onto trucks. When the delivery truck driver got laid off after an accident, the lady put in for the job. Well, doing a man's job, she felt she would be getting a man's wages. In March, she did a little rumbling around the office about getting a raise. Instead, she was told the company had never had a woman truck driver and did not want one now. She claimed she was doing a pretty good job, but that made no difference with her employer. This case is presently being looked into by the Human Rights Branch.

A Case of Illegal Arrest by the Police

B. complained he was at a football game in Calgary and after the game he returned to his hotel. A friend of his, who had borrowed his car, became involved in a brawl with some other people. A few days later, back home in Edmonton, B called the city police about a problem he was having and when they routinely checked out his name they discovered that a warrant for his arrest had been issued by Calgary city police. B. was arrested, jailed, taken to Calgary in handcuffs, and put in a cell there. He had to make four court appearances. Apparently he was arrested because somebody had got the license number of his car. It apparently did not occur to anyone that somebody else might have been using the car, as was the case. At the trial, the man who claimed he had been beaten up simply said B. was not the man who did it and the charge was dismissed. However, that was not all.

When B. was apprehended in Edmonton under the arrest warrant from Calgary, he was taken to the city police station. The law says people charged with serious crimes must be fingerprinted and photographed. Well, just picture the scene. B., who had called the police in the first place, was now under arrest and was being taken to the police station for something he knew nothing about. The law says as much force as is necessary can be used to get a person's fingerprints and mug him. B. claimed he was beaten up, in fact knocked unconscious, despite the fact that he never resisted when the police approached him. The necessary force which the law provides arises if the suspect resists interrogations or arrest. Necessary force does not imply a busted lip, a bloody nose, or a crack over the head. These are violations of our fundamental liberties and human rights.

Fingerprint Case

A twenty-seven year old man got a couple of traffic tickets a while back -- one for not having plates on his vehicle, the other for not changing his address on his driver's license. He misplaced those tickets and forgot to appear in court. On January 26, 1973, the police telephoned and told him there was a warrant out for his arrest and that he should come down to the station and surrender. Now that is all fair and just and he did just that. But then a violation of his human rights took place. For two very minor offences he was fingerprinted. Not only was there a human rights violation, it was illegal to fingerprint an accused for minor offences. The law only allows fingerprinting for people who are under legal arrest for an indictable offence, which means a crime which can be tried in Supreme Court. Fingerprinting for breaking provincial laws is not allowed. The police explanation in this case was that because the twenty-seven year old was convicted of an offence eleven years ago, when he was sixteen, they were trying to update their records. However, the senior police officers agreed it was a mistake. Should such mistakes be made in the first place?

Case of Undercover Agents

One day in January, 1972, a man who called himself Richard Peterson visited a clinic where drug addicts were treated. In fact, "Richard Peterson" was constable B. Mackay of the Edmonton City Police. He gave the medical officer in the clinic a good history of himself and finally completed all the necessary papers. His chart showed "Blood pressure, unine N.A.D." A physical examination showed some puncture marks on his arms. He appeared genuine to the doctor and wanted to get off heroin. He was given a prescription for methadone on a rapid withdrawal basis. "Peterson" gave his Alberta medicare number as 482-812-50950. Claims on this number were refused by the Alberta Health Care Insurance Commission on the grounds that there was no such name "Peterson" with the above registration number.

A Resort Area Case

A middle-aged man who described himself as unemployed for the first six months of 1972, stated that he was denied accommodation, services and facilities at a resort near Edmonton because of his race and colour. He related that he approached the resort area and formally asked the lady in charge for a boat rental. The lady replied that they did not rent boats late in the afternoon. He then requested a reservation for the following morning but the lady just walked away from him.

The man said that he later complained to a white friend of his.

His friend telphoned the lady demanding an explanation of why the complainant could not rent a boat with her company. The woman stated she ". . .did not intend to rent to any body." The friend was not satisfied with the explanation given by the lady and so decided to refer the matter to his lawyer on behalf of his friend.

The lawyer took up the matter with the company which the lady represented. He pointed out to them that the lady's action was a clear violation of section 3 of the Alberta Human Rights Act of 1966. He demanded an unqualified apology to the complainant and the offer of accommodation, services and facilities that he had been denied. The lawyer threatened to take the matter to court if his demands were not met.

A few days later, the company's lawyer wrote a letter of apology on behalf of the lady to the complainant; this letter was copied to the complainant's lawyer. They were also informed of the company's intention to offer all the services and facilities to the complainant in the future. The complainant, however, would not want the services and facilities that he had previously been denied.

A Beauty Salon Case

A formal case was referred to the Indian Brotherhood Association some time in 1972 by an Indian lady who worked in an Edmonton Auxiliary Hospital as a Nurses' Aid. She narrated that she was denied service in an Edmonton beauty salon because of her race and colour. She related that the owner of the salon stated, ". . .this is an all-white place and we feel funny having you around. Please will you leave."

A leader of the Indian Brotherhood Association contacted the manager of the salon who admitted refusing services to the complainant. The officer of the Indian Brotherhood Association requested that the owner of the salon apologise to the complainant and offer her the services previously denied her.

The owner of the salon was reluctant to comply with the request of the Association's mediator. Two weeks later, a complaint was lodged with the Alberta Human Rights Branch. It was stated that the Branch sent a letter to the accused outlining the terms of conciliation and warned against the consequences of failing to comply with the decisions. The terms of conciliation by the Branch included a letter of apology to the complainant with a promise to offer the services denied, and an official declaration to comply with all the provisions of the Alberta Human Rights Act in the future.

The complainant related that the accused in the end apologised and promised her a nice welcome and the salon's wonderful hospitality in the future.

A Trapping Case

A group of six youths lived in a coop house hear the University. One of them, a 'hippy' looking man, became quite good friends with one of the occupants there. He got along well with the others in the house also. One day the hippy stranger revealed his real identity. This quiet neighbor turned out to be a city constable, a police drug undercover agent. For three months he had disappeared each day, not to look for a job but to compile his notes.

One of the occupants of the house ended up being 'nailed' with a pot charge for possessing marijuana. However, he beat the charge in the Supreme Court. He was found not guilty on the marijuana charge. When he was arrested, the accused was fingerprinted and photographed. Those prints and mug shots are still on file in the city police crime section and a copy was sent to the R.C.M.P. criminal identification section in Ottawa. Yet, in the eyes of the law (being innocent until proven guilty), the accused is clean and clear. He said he had unsuccessfully made several attempts to get those exhibits of his destroyed. If society still sticks to the ideals of being innocent until proven guilty, we must be concerned with issues such as this.

An Apartment House Case

A black, West Indian lady stated that she was denied accommodation in an Edmonton downtown highrise apartment house because of her race and colour. She stated that the owner would not rent to coloured people because the other tenants would object.

In a subsequent interview with the caretaker of the apartment in question, the respondent emphasized to the writer that he was reluctant to rent to coloured people because they often have many children and dependents. His other reason for not renting to coloured people was because most of his tenants were white, the majority of whom were not comfortable with coloured people in their midst. When further questioned by the writer as to what difference it would make if the prospective coloured tenants had no children, he stated it would have made a difference if the complainant had no dependents. When told he was breaking section 3 of the Alberta Human Rights Act by discriminating against certain members of the society, the apartment superintendent stated that he had no prejudice against anybody and his decision not to rent to coloured people was motivated by his desire to protect the interestsof his majority white customers. He agreed he would rent to anybody as long as the white tenants did not object.

An Hotel Case

A twenty-seven year old Native person stated that he was discriminated against with respect to services because of his race and colour. He reported that one day in December while in a lounge of a hotel, he was "treated discourteously and in an aggressive manner while white friends at the same table were not treated in a like manner."

A friend of the complainant, who was sitting at the same table at the time of the alleged discriminatory act, was interviewed on the issue. The friend related that when the hotel waiter served the beverages, the complainant noticed his glass was dirty. When he pointed this out to the waiter, the waiter ignored him. After three requests to have the waiter bring him another glass, the complainant called the waiter a vulgar name. The waiter stated that he would not serve him for the rest of the evening. The friends discussed the affair with the waiter who decided he would serve them. He did not serve them within the next fifteen minutes so the complainant again called him a vulgar name. The waiter requested that he leave. The complainant did so.

A Barber Shop Case

A woman of Asian ancestry stated that her one-year old child was denied services in a barber shop contrary to the provision of the Human Rights Act. She related that she went to the Barber Shop one day to get a hair cut for her son but the barber refused to cut it. When she demanded a reason from the barber, he stated, "the boy has waves an inch high. I am sorry I have no equipment for such hair and so I cannot perform the service." The mother pointed out one of the barber's customers whose hair had been cut even though he had curly hair. The woman insisted that the barber give her son a hair cut but the barber emphatically said, "Not in this shop, I will not cut his hair."

Onlookers intervened. The barber admitted refusing to cut the boy's hair. However, he claimed he did not know how to cut wavy hair and so he had no equipment for such hair. One of his friends reminded him of the man with wavy hair who had been in the barber's chair at the time of the incident. Another gentleman remarked: "It is a barber's business to perform the service to anybody who can pay for a hair cut." This is the only way professional ethics can be maintained in business. It does not seem to me that the woman and her son were fairly treated by the barber. The woman stated she left and got her son's hair cut by another barber.

PART II

The following cases are illustrative of the formal complaints the Human Rights Branch handled during the 1972 period.

A. Early in the calendar year immediately past, an investigation was launched into a complaint registered against a major retail store. It alleged that the store's policy was not to use black models in any of its newspaper advertising. Armed with a folio of minority group photographs culled from the pages of several daily newspapers, a Human Rights Officer entered into discussions with the persons responsible for this policy, with the end result being the amendment of their previous practice. Although this complaint had been registered against one particular department store, it was decided that informal follow-up with other large retail outlets might also be useful. This follow-up is still in progress; but in the meantime at least two major stores have responded in a responsible manner to these overtures and have shown themselves to be especially sensitive with respect to the use of black models.

B. The Branch became involved when attempts of a fifty-five year old man to respond to a newspaper advertisement for a "Young male between 22 and 25 years of age" were rebuffed by the credit and collection agency which had placed the advertisement. His experience and qualifications seemed to make him emminently suitable for the position in question, but this case proved to be a graphic illustration of how difficult it is to lay to rest some of the shibboleths concerning the older worker. After several efforts to conciliate the matter with the respondent firm, a position was finally offered the complainant, but at a salary so low that he would have ended up working below the minimum wage. When the Branch re-entered the case, it found that the previous manager of the collection agency had been replaced and the new manager was apparently more willing to offer this qualified fifty-five year old gentleman a position with what the complainant himself recognized as "a responsible offer of remuneration." However, his expressed mistrust of this firm combined with his current place of employment led him to decline the offer.

C. When amendment to The Human Rights Act prohibited discriminatory treatment in employment conditions on the ground of sex, a number of women workers within the Province found they could elect to postpone retirement an additional five years beyond the age of sixty since sixty-five was the normal retirement age for their male counterparts. One woman thus affected discovered, however, that as she reached her sixtieth birthday and indicated her inclination to continue work, she was hit with a drastic salary reduction which left her both emotionally and economically distressed. As a result of the Branch's intervention, however, the company brought her pay level into line with her actual duties, retroactive to the day the salary decrease had been implemented.

D. Arriving home from a meeting one evening, two Indian ladies decided to visit a downtown restaurant in the City, but first telephoned to determine whether it was still open. Advised that the restaurant was open until 1:30 A.M. they set out, arriving at their destination at approximately 10:45 P.M. After waiting a short time, they were approached by a waiter who stated, "We're not serving any more, the kitchen is closing." When the Indian ladies protested that they had been told 1:30 A.M. was closing time, the waiter merely responded, "No, we are not serving," and walked away. Further attempts on the part of the two women to discuss the situation with the management of the restaurant were ignored. The two ladies left and went to a restaurant several blocks away where they experienced no difficulty in being served. Discussions were entered into between the staff of the Human Rights Branch and the manager of the first restaurant. The manager was led to realize the consequences of the discriminatory attitude of his waiter. The manager agreed to write a letter of explanation and apology to the two Indian women and guarantee them equitable service in the future. The manager of the restaurant turned out to be a person of no mean linguistic skill, for a copy of his letter to the two Indian women rests in the Branch's file as a model of charm, cordiality and diplomacy.

E. A registered nurse, who had exceeded the magic age of thirty by something more than a decade was offered a position in a medical clinic but the offer was later withdrawn. Through the grapevine she heard that a director of the clinic had indicated to the personnel department that he hoped the new nurse would not be "old." Discussions between the clinic and the Branch ensued and at last report, several months ago, the nurse was happily at work at the clinic.

F. A group of Native persons who were invited to appear at the annual meeting of a professional association were turned away at the hotel door. The participants at the meeting threatened to walk out en masse if the hotel management did not alter its stand. They stated that their Association was a professional one and did not discriminate against any person, irrespective of race, colour or social status.

Despite the fact that this group of Native people were finally permitted entry, the professional association was quite understandably perturbed over the incident as were the Native participants. Later, the Association advised the Alberta Human Rights Branch of their concern.

The end result after a period of negotiation was an assurance of fair accommodation and service policy received from the hotel in question. Letters of apology were forwarded to the Native persons involved. Finally, a letter was subsequently received by the Branch from the professional association expressing that body's satisfaction that the matter had been pursued through to such a resolution.

G. Several Native persons were refused rooms at a hotel in a small Alberta city. When challenged over his refusal, the desk clerk merely pointed to a sign behind the desk which read, "No rooms for Indians." The Native people thus affected brought the matter to the attention of the local Royal Canadian Mounted Police (R.C.M.P.) detachment. The R.C.M.P., in turn, put them in touch with the Alberta Human Rights Branch in Edmonton (the cooperation received from the R.C.M.P. detachment throughout the course of this investigation was exemplary).

Efforts to resolve the matter through conciliation were initially unsuccessful. On the eve of the scheduled public hearing, the hotel owner finally agreed to the proposed terms of compliance which included an undertaking of a fair accommodation policy, acceptable letters of apology, plus assurance of future services to the complainants. They were finally asked to cooperate with the Human Rights Branch in future to ensure that the terms of this settlement were being observed.

Cases Referred to Board of Inquiry

It has been stated in Chapter IV that section 24 of the Alberta Human Rights Act of 1966 provides for the appointment of a Board of Inquiry if the Human Rights Branch is unable to effect a settlement of the matter complained of. Under the Act, the Board of Inquiry is appointed by the Minister on the advice of the Administrator. The Board is given all the powers of a Commissioner appointed under the Alberta Public Inquiry Act.

A Gas Station Case

The first board of inquiry to be held under the provisions of the Alberta Human Rights Act was conducted by Mr. Martin Hoyt at Magrath Town Hall on Thursday, March 30th, 1972.

The complainant, Frances Weaselfat of Cardston, had registered her complaint with the Human Rights Branch under section 3 of the Alberta Human Rights Act which prohibits discrimination on grounds of race, colour, religious beliefs, sex, ancestry or place of origin with respect to the services available in any public place which the public is customarily admitted.

On April 26, 1971, the complainant had ordered $2.00 worth of gas from Benny's Shell Service on Highway 5 near Magrath and was allegedly required to pay in advance. According to the complainant, this was the proprietor's normal practice where Indians were concerned, while white customers paid only after service had been obtained.

After hearing all parties involved in the matter, board chairman, Martin Hoyt, found the complaint to be justified and made the following recommendations:

1. Publication of the result of this inquiry in the news media including Native press and radio outlets;

2. A letter to the respondent requesting that he desist from further discrimination and advising that his failure to comply will result in prosecution.

Mr. Hoyt stated in his findings that the merchant may choose to demand payment from all customers in advance -- that is his right and privilege. To require, however, that certain persons or groups only must pay in advance is such a withholding of services as to be humiliating to the said persons and, by virtue thereof, it is an injury to the "dignity and worth" of the individual, and therefore within the contemplation of the Alberta Human Rights Act.

Hydraulic Manufacturing Company Case

Mr. Beaty Hayes, the complainant, registered a complaint with the Alberta Human Rights Branch under section 5 of the Human Rights Act which prohibits discrimination on the grounds of race, religious beliefs, colour, sex, marital status, age, ancestry or place of origin with respect to employment.

On May 9, 1972, the complainant was referred by Canada Manpower to Central Hydraulic Manufacturing Company Limited of Edmonton who had a position available for a hydraulic mechanic. The complainant was interviewed by the secretary and president of the company. He was offered the position. Shortly afterwards Mr. Lotoski, the president, consulted his senior mechanic about employing Mr. Hayes. According to Mr. Lotoski the employee objected to working with a black person and threatened to quit if the complainant was employed by Mr. Lotoski. Mr. Lotoski subsequently withdrew the offer he made to Mr. Hayes.

After hearing all parties involved, Mr. F.A. Laux, who conducted the board of inquiry, found the complaint to be justified and made the following recommendations:

1. That, if feasible, prosecution proceedings against Central Hydraulic Manufacturing Company Limited, William Lotoski and Guy Laland should be pursued;

2. That the company compensate the complainant for the three days' loss of wages he incurred as a result of not getting the position;

3. That Mr. Hayes be compensated for the one day's loss of wages he incurred while attending the board of inquiry.

Mr. Laux's concluding summary read:

> . . .the motivating factor leading to discrimination is irrelevant. The function of Provincial human rights legislation is to protect members of minority groups from conduct which detracts from the dignity and worth of the individual. It is the victim who is of utmost concern and not the offender's state of mind. Surely it would not do justice to the victim and to the intents of the Human Rights Act to permit a wrongdoer to extricate himself from the responsibility for his actions by merely showing that the reason he refused employment to a black is because his other employees would not work with blacks and, therefore, he may ultimately suffer in his pocketbook. . . . The law prohibits discrimination by reason of race, religion, colour, ancestry or place of origin, without more and is unconcerned with what motive the discrimination except to the extent that motivation may be relevant in mitigation of any penalty that might be imposed.[1]

PART III

Analysis of Case Materials

Of the cases illustrated in this chapter, seven were recorded and formally treated by the Alberta Human Rights Branch, eleven cases were narrated by the interviewees during the field work, and two were examples of cases referred to a Board of Inquiry appointed under section 13 of the Alberta Human Rights Act of 1966. Case illustrations in this chapter include nine cases on accommodation/housing, five cases related to police abuse of fundamental liberties and the rule of law, four were cases of denials of employment, and two were on other issues. Accommodation and housing represented 45 percent, police harassment 25 percent, employment twenty percent and unspecified cases represented ten percent.

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[1] Record of Mr. Laux's Board of Inquiry, taken from the files and records of the Alberta Human Rights Branch, Edmonton.

Analysed into ethnic origin of the victims, the cases showed fifty percent involved Native people, fifteen percent Blacks, ten percent Orientals, ten percent French Canadians, and fifteen percent others who would not specify their ethnic origin. The following table illustrates areas of the cases described:

TABLE 14

AREA OF THE CASES ILLUSTRATED

Area	Number	Percent
Accommodation/Housing	9	45
Employment	4	20
Police Harassment	5	25
Other	2	10
Total	20	100

TABLE 15

ETHNIC DISTRIBUTION OF CASES

Ethnic origin	Number	Percent
Native People	10	50
Blacks	3	15
Orientals	2	10
French Canadians	2	10
Others	3	15
Total	20	100

Accommodation/Housing

Discrimination in housing or in providing accommodation that is commonly available in any place to which the public is customarily admitted involves financial losses. At the present time, in many parts of the City some apartments and homes are vacant. Some of them are for rent and others are for sale. Surveys have shown that real estate agents and landlords refuse to do business with potential tenants or buyers because of race, religion, ethnic origin or socio-economic status of the prospective tenants or buyers. Their reason is that by dealing with these people they would lose other customers. One can easily see that an unsold house, a vacant apartment, or an unoccupied suite in a hotel means a loss to the individual owner and to the nation. When such a situation is being perpetuated because of prejudice and discrimination, the loss arising from it is as needless as it is unwarranted.

In Edmonton DISCRIMINATION in housing and accommodation seems to be caused by the racial and economic status of the victims. Dr. Don Whiteside indicated in his study, "A Study Into The Attitudes of Edmonton Landlords Towards Native Tenants," that landlords generally evaluate their tenants on the basis of their socio-economic positions. The result of the study shows that those Native people of higher socio-economic status do not face a serious problem in securing accommodation and houses to rent.[1] However, the study notes that even with their higher economic status, such Native people are discriminated against in areas other than housing and accommodation.

Business Interest

Most racial discrimination in the City is perpetuated in the name of business. Employers, proprietors and landlords are terrified about losing the patronage of prejudiced customers. They foresee that a Negro, Jew, or Native person on the premises would drive away loyal customers and force the business to the verge of bankruptcy. The greatest bar to equal opportunity is exercised by gentlemen businessmen, not disgruntled fanatics. The businessman acts not from his own prejudices but is deferring to the prejudice of everyone else.

In the writer's view, the businessman's "imagination of disaster" is completely without foundation. The presence of Indians, Negroes, Orientals, or low socio-economic people in his business simply will not force him to the verge of bankruptcy. The prejudices of so-called

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[1] Don Whiteside, "A Study Into The Attitudes of Edmonton Landlords Toward Native Tenants," Prepared for the Alberta Human Rights Association, 1971, p. 14.

'customers' are not nearly as strong as they suppose.

Almost every time someone is discriminated against and turned away from an apartment house, the landlord or superintendent has excused his behaviour in terms of feelings of the other tenants. Every time such has happened in the last few years, the Ontario Labour Committee on Human Rights has circulated a petition in the building. The petition has called upon tenants to declare in writing to the landlord that they would have no objection to having coloured neighbours. Invariably these petitions have received the overwhelming endorsement of the tenants.[1] Bearing in mind that housing involves a more intimate relationship, what holds for housing will probably hold in other areas.

Economic Cost of Discrimination in Employment

There is one fact about discrimination that is often overlooked and that is its cost in dollars and cents. For reason of discrimination 'society' subjects some individuals to difficulties in finding employment. As a consequence, such individuals remain unemployed for longer periods of time than other workers or they are forced to accept work at a lower standard than that for which they may be best fitted.

Elmo Roper, an American known for his analyses of public opinion, marketing, research and employee attitude emphasized that "the waste in manpower morale and productivity costs American industry $30,000,000 a year.[2]

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[1] A. Alan Borovoy, "Human Rights and Racial Equality," The Tactics of Combat (Ontario Human Rights, 1972), p. 11.

[2] James F. Shea, "A Study of the Socially Disadvantaged," New Brunswick Human Rights Commission Bulletin (1971), p. I.

If this gigantic sum is reduced to figures the average person can comprehend, it means ten dollars out of every $75.00 pay cheque is wasted on the phony luxury of indulging our prejudices. As Jones stressed, when a capable worker who has skills needed by a certain store, bank, insurance office, or factory is turned away from the employment manager's office because of colour, religion, ethnic origin, or social status, an economic loss is suffered.[1] In Edmonton there are men and women not doing the work for which they are best qualified, simply because they are Negroes, Indians, Jews or New Canadians. As a consequence, these men and women are forced to accept positions or jobs in which they have little or no interest. People who are forced to work under conditions such as this lose initiative and their productivity is badly affected.

Shea commented that in Metropolitan Toronto one out of every five residents who had arrived in the last ten years had come from overseas, constituting about 300,000 men and women. Many had come filled with ambition, the desire to get ahead, and to be truly a part of respectable society. However, he warned, once these people felt they were victims of discrimination in job opportunities, in wages received, in being accepted by those who preceded them into the country, their initiative was killed and their personalities warped.[2]

The Native people, the blacks and the oriental residents in this city are victims of discrimination in employment. The situation seems to be worse with these people, especially when they lack professional qualifications. They do not see the need to strive for added and improved skills when, in their estimation, an opportunity will not be given to use these skills and the education acquired. This may account for the fact that only 27 of more than 180,000 Indians were at Canadian universities in 1960.[1]

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[1] R.D. Jones, "The Economics of Discrimination," The MacClaren Advertiser, Vol. II, No. 4. (1960), p. 12.

[2] Shea, p. 4.

Police and Human Rights Violation

Cases of police harassment of minority groups and low socio-economic people are featured in this study. These allegations raise serious questions on the legitimacy of the law enforcement authority.

People subscribe to the rule of law only if they believe that both the law-making and law-enforcement authorities are legitimate. Legitimacy of any institution is determined in part by fair play. Power should be exercised for the benefit of the society. An institution trades its power and legitimacy when it abuses its power. This illustrates what Packer meant when he warned:

> We seem to be faced today with a particularly severe crisis of confidence on the part of the youth and the poor toward the society in which they live. Its course may well be irreversible We may, in truth, be living in a revolutionary age, the equal of which has not been seen, at least in the Atlantic world, for almost two hundred years. But those of us who are not prepared to act on apocalyptic premises may well consider whether the erosion of the belief in law-abidingness is a phenomenon about which we can afford to be complacent. . . .[2]

The work of the police and the well-being of the state are greatly facilitated by a widespread belief in the rule of law. This belief is, however, in grave danger of disappearing among some citizens whose rights are violated. For them the law and the police have become something to be dreaded and despised. The law is no longer a friend but an enemy.

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[1] _Ibid_., p. 6.

[2] Herbert Packer, _The Limits of the Criminal Sanction_ (Stanford: California: 1968), p. 340.

The increasing use of undercover agents by the police, and of agents "provocateur" is an affront to the legitimacy of the police as the institution enforcing law and order. If the society is to function freely, it must be based on a solid foundation of trust. Trust will die rapidly if, when one looks at another, he says to himself: ". . .is he watching me? Will I be reported if I do something he considers wrong?" This feeling of fear has been forced into the minds of many people by the drug culture and the police operation surrounding it. A gentleman in a bar cannot say with any degree of certainty that the stranger who sits down and talks to him is not a police agent. If one cannot trust the person one meets to be honest about his identity, can one trust him not to falsely implicate him in his report?

Sim cautioned about the consequences of the use of undercover agents by the police when he said:

> Once people feel these doubts about the justice of criminal justice system, it ceases to be effective. Society can no longer feel assured that only the guilty will be punished, and thus lose that feeling of safety that the legal system previously gave them. There is a new possibility that they might be the ones falsely accused and convicted. The frightening thing about this process is that it operates almost entirely free of reality. . . . . It is the fear, not the reality, that destroys the effectiveness of, and the confidence in, the criminal justice system. Justice must not only be done, but it must seem to be done.[1]

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[1] A. C. Sims, The Craig Report (Edmonton: The Alberta Human Rights and Civil Liberties Association, 1973), p. 29.

Better Police -- Community Relations

The episodes of police harassment of some members of society poses threats to the requirements of legality and democracy. What is needed boils down to two broad requirements: better methods for redress of citizen complaints and better police community relations.

1. Redress of citizen complaints

In the past, police abuse of power has been regulated by internal review within the police department and by court action. These measures are inadequate for two reasons. First, there is every indication that these measures do not, in fact, provide redress. Complainants who take their complaints up with the department concerned are seldom satisfied. There are complaints when either nothing is done or only a token penalty is dispensed by the officer. In many cases the complainant is not kept informed of the status or progress of his complaint.

In one case, stated to have been reported to the Alberta Human Rights Association, the complainant lodged his complaint (a physical injury) with the department. He was never asked for his side of the story and received no word about the matter until two months later when he received a letter informing him that "only the amount of force necessary in the circumstances had been used."

Court remedies are also inadequate because of time, uncertainty and expense. Furthermore, many complainants are unable to use the courts because they cannot afford the legal cost of court action. It is also widely known that no court action by an aggrieved poor against a policeman has ever succeeded in Edmonton.

Even if internal review and court action did provide redress, they would still be inadequate. To repeat the hackneyed phrase, "justice must not only be done it must appear to be done," internal review and court action can never satisfy the second requirement. People simply will not trust the police department itself to provide adequate redress. Moreover, the new Alberta Police Act compounds the problem by providing routes of appeal from a department decision for the policeman while denying them to the complainant. This not only appears unfair, it is unfair. The Act does not serve to lessen the distance between police and community, but to increase it considerably. While the Act undoubtedly provides for more "efficient" policing in Alberta, it can only lead to further insulation of the police forces from the populace. Many people believe that the police stick together, that they cover up for each other, that no officer ever receives more than token punishment for misconduct and that even such expensive legal steps as suing for false arrest are futile, because it is the policeman's word against theirs.

One of the most often voiced suggestions has been the establishment of a civilian review board to adjudicate citizens' complaints. Such boards have been tried in New York and in Philadelphia and were moderately effective in projecting an appearance of fairness, unattainable by internal review. At the same time, civilian review boards were able to pass judgment on discourteous or harassing police practices which did not constitute judicially actionable wrongs but which, nevertheless, infuriate the grievant and intensify community hostility toward the police.

2. Better Police/Community Relations

Decreasing the distance between police and citizens can do much to foster better attitudes toward the police. This is especially true for low socio-economic people who tend to feel very estranged from policemen. Besides fostering better understanding, programs which provide better police-community relations can also function to lessen crime.

Public relations programs must, therefore, be increased. The writer is aware of financial cost of such programs. However, the slight cost to the city for instituting a community relations program would be more than worth the money expended. Programs which could be set up include public speakers from the force, traffic instruction and officers from the Human Rights Branch and the Human Rights Association could meet occasionally to discuss the rights and liabilities of citizens.

The problem in creating better police-community relations has been the lamentable tendency of some forces to operate in isolation from the community and from other community organizations. Some, though not all, police departments demonstrate an almost excessive secrecy. The writer was personally subjected to a demonstration of this secrecy during his many visits to the City Police Chief in an effort to interview him on the alleged human rights violation by some city policemen.

Such secrecy is totally unnecessary and indeed is wrongful. Police are civil servants and the public is entitled to know as much about police operations as it desires, provided that divulging the information would not impair police effectiveness. Not until the police move to minimize the isolation in which they work, for example by discussing policing problems with citizens and groups who have interests and information relevant to police work, will public relations work be successful.

CHAPTER VI

SUMMARY OF FINDINGS AND CONCLUSION

The Alberta Human Rights Act of 1966 and the subsequent creation of the Human Rights Branch with its professional enforcement staff were meaningful steps which the Province of Alberta took. As a result of these steps, a start was made toward freedom and equality for all citizens of Alberta. In this study, attempts were made to determine the degree of human rights awareness within the low socio-economic groups and attention focused on the feelings, attitudes and thoughts of the people on whose behalf the legislation became necessary.

The data for this thesis came from the writer's experience in working with some of the core client group, low socio-economic people, during the Summer of 1972 with the Secretary of State's office, Citizenship Branch, Edmonton. The basic research instrument was a loosely structured interview schedule which had been formulated to take approximately half an hour to conduct. The interviews were tape-recorded and the resulting tapes supplied the basic data. Other materials came from the use of a detailed diary kept by the writer during the summer months which contained reflections on the situation of low-income people with human rights, the use of case histories from the files of the Alberta Human Rights Branch, and finally a review of literature.

A study of the poverty situation in Edmonton indicated a number of families and individuals in the city live in poverty. Using the poverty line which Podoluk[1] updated for use by the Senate Committee on Poverty, incomes at which persons were considered to be living in poverty were established. Thus, in 1972, Edmontonians in the following income range were living in poverty:

Family Size	Income
1	$2,900
2	4,800
3	5,700
4	6,700
5	7,600
6	8,600
10	12,400

From these statistics, and recognizing their limitations, at least one in five Edmontonians suffers from poverty. From reviewing the literature and from working with low income people during this study, the writer is inclined to say that there exists some aspects of a sense of powerlessness resulting from low-income and poverty. These are, briefly: (1) a feeling of being in a futureless position from which there is no escape; (2) a certain life-style of deprivation; (3) an increased dependency on "helping" agencies; (4) a high rate of mental health resulting from increased psychological and financial stresses; and (5) the feeling that prejudice and discrimination compounds their social and psychological problems.

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[1] R.J. Podoluk, "Memorandum to Staff," Senate Committee on Poverty (undated).

Table 9 illustrates that sixty out of 140 people interviewed in this study had only a general awareness of the Human Rights Act, 25 knew of specific provisions in the Act, and 55 knew nothing of the Act. Since those respondents who had only a general awareness of the Human Rights Act could not have complained if there was a violation of their rights, they could just as well be included among the respondents who were ignorant of the existence of the Act. This would seem to support the conclusion that there is a general lack of awareness of human rights among the low socio-economic groups.

Bamberger and Lewin, in their review of all anti-discrimination legislation and enforcement programs in the United States, stated that it was, ". . .difficult to measure the success of anti-discrimination law in influencing attitudes."[1] They stated that much depends on the enforcement staff. "Effectiveness. . .depends less on the minute details of substitutes than on the efforts of the Commission members and staff to make full use of their express and implied regulatory authority."[2] This study indicates that the enforcement staff of the Alberta Human Rights Branch has been limited in its effectiveness. Nine of the seventeen interviews were favourably disposed toward the Branch before their cases were handled by the Branch, three were hostile, two had open minds, two were uncertain and one was negative. The pattern was slightly changed at the time of settlement; eight were favourably disposed to the Branch, none were hostile, four maintained open minds and three were negative. The questions which were designed to seek current feelings as a result of conciliation showed that, although there was a decrease of one among those who were favourably disposed to the Branch before their complaints were reported to the Branch, there were no hostile feelings to the Branch after the conciliation.

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[1] M.A. Bamberger and N. Lewin, "The Right to Equal Treatment: Administrative Enforcement of Antidiscrimination Legislation," reprinted from Harvard Law Review, 73 (January 3, 1961).

[2] Ibid., p. 588.

The findings do not directly prove that basic attitudes of prejudice have been greatly modified. However, there are indications in the content of some interview reports that prejudices are on the decrease within the City of Edmonton. Dr. Rose, commenting on fair employment practices in Ontario, stated:

> One might assume that the experience of an investigation by the conciliation officer would prove salutory, or at the least, educative in its nature and such as to modify the alleged prejudices of the employer as well as over acts of discrimination. It is our conclusion that the prejudices of a good many employers have been heightened, rather than lessened, by a complaint under the act, although discrimination may technically have been reduced.[1]

On the basis of this study there is no substantial evidence contradicting or reinforcing this statement, though the replies can be interpreted with qualified optimism.

It could be said that the Human Rights Branch is effective in conciliating actual formal cases, but it is not really known how effective it is in making its services known to the people in need of its services.

Education of the public on human rights issues remains a major problem. One might immediately think that the educational program conducted by the Alberta Human Rights Branch is not effective enough. Seventy respondents stated that education was a vital element for the legislation on human rights to operate. Twenty-five were of the view that education and not legislation was an effective instrument for combatting prejudice and discrimination. As emphasized in Chapter IV, enforced legislation supported by an informative educational program is a known effective method of combatting prejudice and discrimination. Similarly, Bamberger and Lewin concluded that:

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[1] Albert Rose, "Human Rights Laws Must be Obeyed to Guarantee Equality of Opportunity," Human Relations (April-May, 1962).

> Many feel that the ultimate solution to the problem of racial and religious discrimination lies with education and not with legal compulsion. Experience indicates, however, that without the force of law to nourish it along, the right to equal treatment will develop slowly if at all.[1]

The enforcement of Alberta Human Rights Legislation is done through the conciliation process. This is an educative device. Whereas legislation primarily modifies behaviour, the educative aspects of legislation have the potential to modify attitudes. G.W. Allport deals at length with the various methods of educating so as to minimize prejudice.[2] He concluded that no one approach stands out as being the best, but there are indications that the indirect approaches are better than the direct approaches. S. Davidovitch, from the Ontario Department of Education stated that:

> External sanctions may make a man behave in a socially acceptable way, for the facts and the evidence thereby truth

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[1] Bamberger and Lewin, p. 589.

[2] Allport, pp. 450-543.

> is approximated, can make a man want to act justly and appropriately toward others.[1]

The importance of social action must not be minimized, for in many cases there would be no legislation or education program if small communities and individuals did not become concerned about the inconsistencies between principles and practice. Social action cannot be carried on by government bodies or commissions, but rather by ethnic, charitable, church or social organizations. Perhaps the Alberta Human Rights legislation would not be in existence today if social action groups had not applied pressure to bring the plights of minority groups before the people. The strength of social action lies in well-focused group activity, often with the backing of petitions. These groups frequently expose hidden practices which an individual could not expose alone.

It was noted in some of the cases illustrated in Chapter V that some of the complainants refused to make use of the facilities or services denied them at first after the case was conciliated. In situations like this, not only were the advantages of conciliated settlement frustrated, but the educational elements which the complainant and the accused would have derived from their subsequent living together were lost. The reason for refusing such facilities or services after conciliation in some cases would seem valid, yet, there would also seem to be an underlying factor which would serve to explain their behaviour. Rose wrote of the Negroes:

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[1] S. Davidovitch, Human Relations, 2:5 (April-May, 1962).

> He is forced to take his outlook on all things not from the viewpoint of a citizen or a man, or even a human being, but from a viewpoint of a coloured man.[1]

Does the outlook of these people who, for one reason or another, are victims of discrimination and social injustices suddenly change because a law has provided them with their rights? Will acceptance not come quickly if the dominant group feel the minority group themselves feel that they merit equal opportunity rather than because of their race, colour, creed or economic position? In other words, should the emphasis of the Human Rights Branch be on whether or not a person merits the position, accommodation, etc., because of his qualifications, or rather because of his race, colour, or creed?

This finding also points to the need for the Alberta Human Rights Branch to conduct a more intensive follow-up on each case. Furthermore, it would seem to fortify the argument that there is a pressing need for legislators to provide the Branch with powers to initiate action against persons who have apparently discriminated against any minority group. The argument against providing the Branch with such powers is viewed skeptically, since it jeopardizes the neutral manner in which the Branch approaches the complainant and respondent in its attempts to reach a conciliated settlement. Yet, if discrimination is regarded as a public wrong rather than just the basis for an individual grievance, then why should persons who apparently discriminate against fellow citizens for any reason be allowed to continue these practices simply because the aggrieved person is reluctant to lodge a complaint? Would this not be a safeguard and protection of the rights of other subsequent victims or other minority groups? Can the Branch effectively combat prejudice and discrimination if it is only permitted to act on formal complaints brought before it by private individuals? Although they may request individuals and/or businesses to voluntarily comply with the provisions of the Act, the fact remains that there is no provision which encourages compliance, unless a complaint has been formally lodged.

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[1] Arnold Rose, The Negro in America (New York: Harper and Row, 1964), p. 36.

It would seem necessary also for research to be conducted to find out if the complainants, the respondents, and the public generally, do really think the Branch approaches the investigations and conciliation processes in a neutral manner.

Another significant finding was that the complainants of four conciliated cases by the Alberta Human Rights Branch did not lodge complaints any more with the Branch even when they stated they had encountered further discrimination subsequent to the settlement of their cases. The obvious question is, why do these people not lodge complaints when they think they have been victims of discrimination? A possible explanation may be that these persons did not think the discrimination was severe enough. Or, possibly they were aware that the Act did not cover the area in which they thought they encountered human rights violation. The explanation may be found in the statement by Saenger and Gordon, who commented:

> Defensive reactions designed to preserve self-esteem further tend to diminish the number of victims likely to complain or

take other constructive action against discrimination.[1] The finding does, however, indicate the need for further study to gather more factual data to answer the above question.

While a number of interviewees knew of the provisions of the Act, they were aware of its obvious limitations. They all pointed to the limitations of the public accommodation section, namely that it only covers accommodations with more than three self-contained units. They all thought the Act should be extended to include all forms of houses rented or sold to the public. (It must be stated that the new Alberta Individual Protection Act which was recently passed into law by the Alberta Provincial Legislature, took into consideration some of the criticisms of the 1966 Human Rights Act) (See Appendix B).

From the cases of police harassment reported in Chapter V, it would seem that requirements of legality and democracy in enforcement are not always adhered to. Situations such as these destroy any pretences left about civil rights and equality under the law. Police harassment, in whatever form, is a clear and recurrent breach of human rights and civil liberties. It should be pointed out here that police harassment in Edmonton is not nearly such a serious matter as it is in some other parts of the world. It is not suggested that police abuses can be entirely eliminated but there is strong reason to believe that they could be cut down considerably. Better method of redress of citizen complaints, better police community relations, and better police understanding of people and the psychology of the poor people are some of the ways this could be done.

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[1] Garbart Saenger, and Norma S. Gordon, "The Influence of Discrimination on Minority Group Members in its relation to attempts to combat Discrimination," Journal of Social Psychology, Vol. 13, No. 1 (February, 1950), 106.

Harassment or discourtesy may not be the result of malicious or discriminatory intent by the police officers. Many officers simply fail to understand the effect of their action because of their limited knowledge of, and empathy with unconventional people. It must be warned that the improper acts of relatively few officers may create severe tension between the police and the entire community. More humane approaches on the part of law enforcement is necessary to create better police-community relationship. If the law enforcement department would direct that heavy-handed search practices cease, under pain of suspension, one great source of friction would be substantially eliminated almost immediately. It is reasonable to believe that because officers receive the tacit approval of their superiors that such practices continue. Elimination of all forms of abuses could be facilitated not only by directives, but by the better training of officers. The "sensitivity training" programme instituted by the City Police is an excellent step in that direction.

The argument always in support of police "friendlessness" is that he is beset on all sides. He is urged by one group to encounter rising crime by tougher law enforcement. At the same time he is berated by another group for maintaining order at the expense of justice. He finds himself increasingly called upon to deal with problems which have nothing to do with "police work." He must deal daily with a range of problems which would try the patience, wisdom, character, ingenuity and courage of any man. Perhaps it is not the 'fault' of the policeman that he is only a symbol of the real problem; that someone else must act

> And yet, precisely because the policeman. . .is a symbol . . .precisely because he symbolizes so much. . .it is of critical importance that the police and society take every possible step to allay grievances that flow from a sense of injustice and increased tension and turmoil. In this work, the police bear a major responsibility for making needed changes.[1]

In the first place, the police have the prime responsibility for safeguarding society and to do this they are given society's maximum power of discretion in the use of force. Since he wields all this power, it is he who must regulate its use. Second, effective law enforcement is largely a product of community support. The police must, therefore, endeavour to earn such support.

Human Rights Community Action Centre

The weakness of educational programmes to promote human rights' awareness among the low socio-economic people seems to have been emphasized in this study. There was a general attitude on the part of the people interviewed to underrate the effectiveness of the Alberta Human Rights Branch because of rigid process and bureaucratic red-tape associated with most government controlled and directed departments. Some mechanism to facilitate a general flow of communication between the Alberta Human Rights Branch and ethnic groups and low socio-economic people is desirable.

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[1] United States, Government, Advisory Commission on Civil Disorders (Kerner Report) (Washington, D.C.; 1968), p. 300.

The administrative structure of the Branch already discussed does not seem to emphasize the need to involve those people who are often victims of human rights violations in the administration of the Act. The Human Rights Act of 1966 was designed to meet with pressing economic, social and psychological needs of a group of people. If these objectives are to be attained, the people for whom the Act was enacted must be encouraged to be involved in its administration.

The Human Rights Community Action Centre, based on the community development principle of involving people in actions that affect them, will not only greatly promote a general awareness of the provisions of the Act among the low socio-economic people but, in addition, it will afford the group concerned an opportunity to fully participate in social interaction which aims at attaining a common good.

Involving People in Action

Joseph Di Franco, writing on the community development principle of involving people in action that promotes their welfare, states:

> Involvement of people in all of the activities means involvement in planning programmes, determining objectives, setting up plans of work, carrying on action and evaluating results.[1]

In keeping with this principle, the Human Rights Community Action Centre, when created, will help formulate more feasible programmes designed to further human rights education within the low socio-economic group, as well as the minority people. Community involvement in human rights administration in Edmonton will remove the present lack of faith that characterizes the relationship between the Alberta Human Rights Branch and the people who are most often victims of discrimination and prejudice.

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[1] Joseph Di Franco, (New York: Rinehart and Company, Inc., 1970), p.24.

The membership of the centre will comprise representatives of low socio-economic people, leaders of ethnic groups in the city, community organizations, the church, representatives of the Alberta Human Branch and the Alberta Human Rights and Civil Liberties Association.

What the Centre will Accomplish

The Human Rights Community Action Centre will maintain two public information desks with the Alberta Human Rights Branch and the Alberta Human Rights and Civil Liberties Association providing such information and services as assisting the public, especially the low socio-economic people, securing copies of human rights literature and relevant Acts and answering questions about human rights legislation. The centre will, through education on rights and responsibilities of citizens, encourage these people to become more constructively involved in their local government and other community action programmes. It will also maintain liaison with other community organizations, individuals, and community workers in their efforts to eliminate discrimination. It will maintain a two-way flow of communication between the citizens and the Alberta Human Rights Branch on important human rights issues.

Conclusion

The inadequacies of the Alberta Human Rights Act of 1966 were revealed in this study. Buildings with three or less apartments were not covered under the Act. The Human Rights Branch should be given the power to investigate the practices of owners of accommodation and housing without having to wait for receipt of formal complaints. It is welcome news that the new Alberta Individual Protection Act covers a number of the weaknesses of the 1966 Human Rights Act which were the focus of this study.

There should be more formal education on human rights. M.B. Clinard makes a very important observation regarding a matter which is just as true in Canada as it is in the United States:

> Most school textbooks contain little deliberate bias, but there is often subtle discrimination through omission of materials dealing with minorities.[1]

Research should be conducted through the school system to study whether textbooks were sufficiently free of stereotypes and myths about minority groups, as well as whether minority groups are included in their true light, so that children are not encouraged to assimilate harmful thinking patterns about others.

The need for an immediate establishment of a body -- the Human Rights Community Action Centre, which utilizes the community development principle of working with people cannot be over-emphasized. There is a great need for the Human Rights Branch to establish a working relationship, not only with this new body to be created, but with other community organizations in the City. Organizations such as the Alberta Human Rights and Civil Liberties Association, the Edmonton Social Planning Council,

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[1] M. B. Clinard, Sociology of Deviant Behaviour (New York: Rinehart and Company, Inc., 1957), p. 467.

Boyle Street Coop., Women's Organizations, etc. have all indicated willingness to cooperate in this task.

There are a couple of questions which remain unanswered in this study: Is discrimination in Edmonton largely a colour problem? Are low socio-economic people so deeply involved in their daily activities centered around earning a subsistence living that they lack the energy it takes to acquaint themselves of current issues such as human rights legislation?

It is hoped that these questions will excite further study and research. This study has revealed that human rights legislation needs more publicity, that the administrative unit of the Human Rights Branch has performed diligent and commendable services since its inception. However, much remains to be done and so there is no room for complacency.

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APPENDIX A

RESEARCH SCHEDULE

Part I. DEMOGRAPHIC INFORMATION

Name of interviewee.

Sex.

Education.

Income.

Ethnic Origin

Part II. HUMAN RIGHTS LEGISLATION

Do you know of the existence of the Alberta Human Rights Act?

How did you first become acquainted with the Human Rights Act?

(a) Alberta Human Rights Branch?

(b) Are you familiar with the different provisions of the Act? (PROBE)

Have you had a cause to feel that your fundamental rights and liberty guaranteed by the Act is being violated? (PROBE)

Do you think that the present legislation in relation to public accommodation, employment, membership of trade unions/organization, race, religion, colour or ancestry is effective?

Yes. . . . . No . . . . Uncertain

How do you feel about legislation against discrimination?

(A) What do you like best about the Alberta Human Rights Act?

(B) What do you dislike about the Act?

Are there any other ways to deal with discrimination? (PROBE)

Part III. CONCILIATION (for Complainants Only)

Did you have any difficulty filing a complaint?

Do you think your complaint is common to those of:

(a) Your economic and social group?

(b) Your ethnic group?

(c) Other ethnic groups?

When you first discussed your case, what were your feelings toward the Human Rights Branch?

How was your case handled?

(A) What were your positive comments?

(B) What were your negative comments?

(C) What were your feelings about the officers?

(D) Now that you have commented on these things, how do you feel about the settlement reached?

(E) Did you fully participate in the settlement?

(F) At the time your case was settled, how did you feel about the Branch? (Probe for current feelings)

Was there any publicity in your case?

✓

How did you feel about it? (PROBE)

Part IV. COMMENTS BY INTERVIEWER

APPENDIX B

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PROVINCE OF ALBERTA

THE HUMAN RIGHTS ACT

CHAPTER 178

Preamble

WHEREAS the Legislative Assembly of Alberta affirms that our Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the person and the position of the family as the foundations of freedom and justice in a democratic society; and

WHEREAS it is recognized in Alberta as a fundamental principle that all persons are equal in dignity and human rights without regard to race, religious beliefs, colour, ancestry or place of origin; and

WHEREAS it is fitting that this principle be reaffirmed by the enactment of a measure whereby the rights of the individual may be safeguarded:

THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Short title

1. This Act may be cited as *The Human Rights Act*. [1966, c. 39, s. 1]

Effect on other Acts

2. Nothing in this Act shall be construed as enlarging or restricting or otherwise altering the force and effect of any provision in any other Act. [1966, c. 39, s. 2]

PART 1

CODE OF CONDUCT

Discrimination prohibited

3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall

(*a*) deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted, or

(*b*) discriminate against any person or class of persons with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted,

because of the race, religious beliefs, colour, ancestry or place of origin of that person or class of persons or of any other person or class of persons. [1966, c. 39, s. 3]

Self-contained dwelling units

4. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall

(*a*) deny to any person or class of persons occupancy of any self-contained dwelling unit in a building which contains three or more such units that are available for renting, or

(*b*) discriminate against any person or class of persons with respect to any term or condition of occupancy of any self-contained dwelling unit in a building which contains three or more such units that are available for renting,

because of the race, religious beliefs, colour, ancestry or place of origin of that person or class of persons or of any other person or class of persons. [1969, c. 52, s. 2]

Discrimination by employer prohibited

5. No employer or person acting on behalf of an employer shall

(*a*) refuse to employ or refuse to continue to employ any person, or

(*b*) discriminate against any person with regard to employment or any term or condition of employment,

because of the race, religious beliefs, colour, ancestry or place of origin of that person or of any other person.
[1966, c. 39, s. 4; 1969, c. 52, s. 3]

Advertisements and applications for employment

6. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry of an applicant,

(*a*) that expresses either directly or indirectly any limitation, specification or preference as to the race, religious beliefs, colour, ancestry or place of origin of any person, or

(*b*) that requires an applicant to furnish any information concerning race, religious beliefs, colour, ancestry or place of origin. [1966, c. 39, s. 5]

Exceptions to prohibitions

7. Sections 5 and 6 do not apply with respect to

(*a*) a domestic employed in a private home, or

(*b*) an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit, or

(*c*) a refusal, limitation, specification or preference based on a *bona fide* occupational qualification.
[1966, c. 39, s. 6]

Membership in trade unions

8. No trade union or employers' organization shall

(*a*) exclude any person from membership therein, or

(*b*) expel or suspend any member thereof, or

(*c*) discriminate against any person or member,

because of race, religious beliefs, colour, ancestry or place of origin. [1966, c. 39, s. 7]

Protection to persons giving evidence

9. No person shall evict, discharge, suspend, expel or otherwise discriminate against any person because he has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under this Act. [1966, c. 39, s. 8]

Act applies to Crown

10. The prohibitions contained in this Act apply to and bind the Crown in right of Alberta and every agency thereof. [1966, c. 39, s. 9]

PART 2

COMPLAINTS OF DISCRIMINATION

Complaint re discrimination

11. Any person who believes he has been discriminated against contrary to this Act may make a complaint in writing to the Administrator. [1966, c. 39, s. 10]

Inquiry by Administrator

12. The Administrator shall cause an inquiry to be made into each complaint received by him and shall endeavour to [1966, c. 39, s. 11]

Board of inquiry

13. (1) If the Administrator is unable to effect a settlement of the matter complained of, the Minister may, on the recommendation of the Administrator, appoint a board of inquiry composed of one or more persons to investigate the matter.

(2) The Minister shall forthwith communicate the names of the members of the board of inquiry to the parties to the complaint.

(3) As soon as possible after its appointment a board of inquiry shall inquire into the matters referred to it. [1966, c. 39, ss. 12 and 13]

Evidence at inquiry

14. A board of inquiry shall give the parties to the complaint full opportunity to present evidence and to make submissions. [1966, c. 39, s. 14]

Report re inquiry

15. (1) A board of inquiry shall submit a report of its inquiry to the Administrator within 14 days, exclusive of Saturdays and holidays, after its appointment or within such longer period as the Minister may approve.

(2) In its report a board of inquiry shall state whether it found the complaint to be justified or not.

(3) Where a board of inquiry finds a complaint to be justified, in whole or in part, it shall in the report recommend the course of action it thinks ought to be taken with respect to the complaint. [1966, c. 39, s. 15]

Order after inquiry

16. (1) Upon receipt of the recommendations of a board of inquiry, the Administrator shall furnish a copy thereof to each of the persons affected and, if he considers it advisable, shall publish the recommendations in such manner as he considers fit.

(2) The Minister may issue whatever order he considers necessary to carry the recommendations of a board of inquiry into effect.

(3) Every person in respect of whom an order is made under subsection (2) shall comply with the order.
[1966, c. 39, s. 16]

Appeal

17. (1) Where a board of inquiry finds a complaint to be justified, in whole or in part, the person against whom the finding was made may appeal therefrom to the district court within the time limited by subsection (2).

(2) The person appealing

(*a*) shall file a notice of appeal, naming the Administrator as respondent, with the clerk of the court of the judicial district wherein the inquiry was held, and

(*b*) shall serve a copy of the notice of appeal upon the Administrator

within 30 days of the date he was furnished with a copy of the recommendations of the board of inquiry.

(3) The district court shall hear and determine the appeal by holding an inquiry *de novo* and may confirm, reverse or vary the findings and recommendations of the board of inquiry. [1966, c. 39, s. 17]

PART 3

PROSECUTIONS

Offences and penalties

18. (1) A person who contravenes this Act is guilty of an offence and is liable upon summary conviction,

(*a*) if an individual, to a fine of not more than $100 for a first offence and of not more than $200 for a second or subsequent offence, or

(*b*) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than $500 for a first offence and of not more than $1,000 for a second or subsequent offence.

(2) Where an employer is convicted by reason of his having suspended, transferred, laid off or discharged an employee contrary to this Act, the convicting magistrate

(*a*) may, in addition to any other penalty, order the employer to pay to the employee compensation for loss of employment not exceeding the sum that in the opinion of the magistrate is equivalent to the wages, salary or remuneration that would have accrued to the employee up to the date of the conviction but for the suspension, transfer, lay-off or discharge, and

(*b*) may order the employer to reinstate the employee in his employ, at such date as in the opinion of the magistrate is just and proper and in the position the employee would have held but for the suspension, transfer, lay-off or discharge.

[1966, c. 39, s. 18]

Consent to prosecution

19. No prosecution for an offence under this Act shall be commenced except with the consent in writing of the Minister. [1966, c. 39, s. 19]

Prosecution of trade unions

20. (1) A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization.

(2) Any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization. [1966, c. 39, s. 20]

Injunctions

21. (1) Where a person has been convicted of a contravention of this Act, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining the person from continuing the contravention.

(2) The judge in his discretion may make the order and the order may be entered and enforced in the same manner as any other order of the Supreme Court.

[1966, c. 39, s. 21]

PART 4

ADMINISTRATION

Appointment of Administrator

22. In accordance with *The Public Service Act* there may be appointed an Administrator and such other employees as are required for the proper administration of this Act. [1966, c. 39, s. 22]

Duties of Administrator

23. (1) The Administrator is responsible to the Minister for the administration of this Act.

(2) The Administrator has power to administer this Act and, without limiting the generality of the foregoing, it is the function of the Administrator,

(*a*) to forward the principle that every person is equal in dignity and rights without regard to race, religious beliefs, colour, ancestry or place of origin,

(*b*) to promote an understanding of, acceptance of and compliance with this Act, and

(*c*) to develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, ancestry or place of origin. [1966, c. 39, s. 23]

Powers of board of inquiry

24. (1) A board of inquiry appointed under section 13 has all the powers of a commissioner appointed under *The Public Inquiries Act.*

(2) If a board of inquiry is composed of more than one person, the recommendations of the majority are the recommendations of the board.

(3) After a board of inquiry has made its recommendations, the Administrator may direct it to clarify or amplify any of them, and they shall be deemed not to have been received by the Administrator until they have been so clarified or amplified.

(4) The Lieutenant Governor in Council may determine the rate of remuneration of the chairman and members of boards of inquiry. [1966, c. 39, s. 24]

Regulations

25. The Lieutenant Governor in Council may make regulations adding to or extending the functions of the Administrator and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. [1966, c. 39, s. 25]

Definitions

26. In this Act,

(*a*) "Administrator" means the person appointed under section 22 to administer this Act;

(*b*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;

(*c*) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons;

(*d*) "Minister" means the member of the Executive Council charged with the administration of this Act;

(*e*) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization and a trade union;

(*f*) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

[1966, c. 39, s. 26]

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PROVINCE OF ALBERTA

1972

CHAPTER 2

THE INDIVIDUAL'S RIGHTS PROTECTION ACT

(Assented to November 22, 1972)

Preamble

WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world; and

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, sex, age, ancestry or place of origin; and

WHEREAS it is fitting that this principle be affirmed by the Legislature of Alberta in an enactment whereby those rights of the individual may be protected:

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Effect of Act on provincial laws

1. (1) Unless it is expressly declared by an Act of the Legislature that it operates notwithstanding this Act, every law of Alberta is inoperative to the extent that it authorizes or requires the doing of anything prohibited by this Act.

(2) In this Act, "law of Alberta" means an Act of the Legislature of Alberta enacted before or after the commencement of this Act, any order, rule or regulation made thereunder, and any law in force in Alberta at the commencement of this Act that is subject to be repealed, abolished or altered by the Legislature of Alberta.

Code of Conduct

Discrimination in notices prohibited

2. (1) No person shall publish or display before the public or cause to be published or displayed before the public any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or class of persons for any purpose because of the race, religious beliefs, colour, sex, age, ancestry or place of origin of that person or class of persons.

(2) Nothing in this section shall be deemed to interfere with the free expression of opinion upon any subject.

(3) Subsection (1) does not apply to

(a) the display of a notice, sign, symbol, emblem or other representation displayed to identify facilities customarily used by one sex, or

(b) the display or publication by or on behalf of an organization that

(i) is composed exclusively or primarily of persons having the same political or religious beliefs, ancestry or place of origin, and

(ii) is not operated for private profit,

of a notice, sign, symbol, emblem or other representation indicating a purpose or membership qualification of the organization, or

(c) the display or publication of a form of application or an advertisement that may be used, circulated or published pursuant to section 7, subsection (2),

if the notice, sign, symbol, emblem or other representation is not derogatory, offensive or otherwise improper.

Discrimination re public accommadation, etc., prohibited

3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall

(a) deny to any person or class of persons any accommodation, services or facilities customarily available to the public, or

(b) discriminate against any person or class of persons with respect to any accommodation, services or facilities customarily available to the public,

because of the race, religious beliefs, colour, sex, ancestry or place of origin of that person or class of persons or of any other person or class of persons.

Discrimination re tenancy prohibited

4. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall

(a) deny to any person or class of persons the right to occupy as a tenant, any commercial unit or self-contained dwelling unit that is advertised or otherwise in any way represented as being available for occupancy by a tenant, or

(b) discriminate against any person or class of persons with respect to any term or condition of the tenancy of any commercial unit or self-contained dwelling units,

because of the race, religious beliefs, colour, sex, ancestry or place of origin of that person or class of persons or of any other person or class of persons.

Equal pay

5. (1) No employer shall employ a female employee for any work at a rate of pay that is less than the rate of pay at which a male employee is employed by that employer for similar or substantially similar work.

(2) Work for which a female employee is employed and work for which a male employee is employed shall be deemed to be similar or substantially similar if the job, duties or services the employees are called upon to perform are similar or substantially similar.

(3) A difference in the rate of pay between a female and male employee based on any factor other than sex does not constitute a failure to comply with this section if the factor on which the difference is based would normally justify such a difference.

(4) No employer shall reduce the rate of pay of an employee in order to comply with this section.

(5) Where an employee is paid less than the rate of pay to which she is entitled under this section, she is entitled to recover from her employer by action the difference between the amount paid and the amount to which she was entitled, together with her costs, but

- (a) the action shall be commenced within 12 months from the date upon which the cause of action arose, and not afterward,
- (b) the action applies only to the wages of an employee during the 12-month period immediately preceding the termination of her services or the commencement of her action, whichever occurs first,
- (c) the action may not be commenced or proceeded with where the employee has made a complaint to the Commission in respect of the contravention of this section, and
- (d) no complaint by the employee in respect of the contravention shall be acted upon by the Commission where an action has been commenced by the employee under this section.

Discrimination re employment practices prohibited

6. (1) No employer or person acting on behalf of an employer shall

- (a) refuse to employ or refuse to continue to employ any person, or
- (b) discriminate against any person with regard to employment or any term or condition of employment,

because of the race, religious beliefs, colour, sex, marital status, age, ancestry or place of origin of that person or of any other person.

(2) The provisions of subsection (1) relating to age and marital status shall not affect the operation of any bona fide retirement or pension plan or the terms or conditions of any bona fide group or employee insurance plan.

(3) Subsection (1) does not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational qualification.

Discrimination prohibited in applications and advertisements re employment

7. (1) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry of an applicant,

(a) that expresses either directly or indirectly any limitation, specification or preference as to the race, religious beliefs, colour, sex, age, ancestry or place of origin of any person, or

(b) that requires an applicant to furnish any information concerning race, religious beliefs, colour, ancestry or place of origin.

(2) Subsection (1) does not apply with respect to a refusal, limitation, specification or preference based on a bone fide occupational qualification.

Exemption

8. Sections 6 and 7 do not apply with respect to

(a) a domestic employed in a private home, or

(b) a farm employee who resides in the private home of the farmer who employs him.

Membership in trade union, etc.

9. No trade union, employers' organization or occupational association shall

(a) exclude any person from membership therein, or

(b) expel or suspend any member thereof, or

(c) discriminate against any person or member,

because of the race, religious beliefs, colour, sex, marital status, age, ancestry or place of origin of that person or member.

Protection for complainant

10. No person shall evict, discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty upon, or otherwise discriminate against any person because that person has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under this Act.

Crown is bound

11. (1) The prohibitions contained in this Act apply to and bind the Crown in right of Alberta and every agency and servant thereof.

(2) The Lieutenant Governor in Council may by regulations require that contracts designated or classified in the regulations and entered into by

(a) the Crown in right of Alberta or a member of the Executive Council of Alberta acting for and on behalf of the Crown;

(b) a municipal corporation in Alberta;

(c) the board of trustees of a school district or school division in Alberta;

(d) the board of a hospital as defined in *The Alberta Hospitals Act;*

shall contain such provisions as may be specified in the regulations, in such form and terms as the regulations may provide, for the purpose of securing the observance, as far as possible, of the provisions of sections 2 to 10.

Alberta Human Rights Commission

Alberta Human Rights Commission

12. (1) There shall be a commission to be known as the "Alberta Human Rights Commission" which shall consist of such number of members as may be appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may designate one of the members as chairman of the Commission.

(3) The chairman and other members of the Commission shall receive such remuneration for their services as may be prescribed by the Lieutenant Governor in Council.

Administration of Act

13. The Commission is responsible to the Minister for the administration of this Act.

Functions of Commission

14. (1) It is the function of the Commission

(a) to forward the principle that every person is equal in dignity and rights without regard to race, religious beliefs, colour, sex, age, ancestry or place of origin,

(b) to promote an understanding of, acceptance of and compliance with this Act,

(c) to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, sex, age, ancestry or place of origin, and

(d) to encourage and co-ordinate both public and private human rights programs and activities.

(2) The Commission may delegate to one or more of its members any of the functions or duties of the Commission.

(3) The Lieutenant Governor in Council may make regulations adding to or extending the functions of the Commission and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Director and staff

15. In accordance with *The Public Service Act*, there may be appointed a Director of the Commission and such other employees as may be required for the purpose of enabling the Commission to carry on the administration of this Act.

Annual report

16. (1) The Commission shall after the end of each year prepare and submit to the Minister a report of its activities during that year, including a survey of all complaints and prosecutions under this Act and such other information as the Minister may require.

(2) When the report is received by him, the Minister shall lay a copy of it before the Legislative Assembly if it is in session and if not, within 15 days after the commencement of the next ensuing session.

Enforcement

Investigation

17. (1) The Commission shall as soon as is reasonably possible cause an investigation to be made into and shall endeavor to effect a settlement of any complaint of an alleged contravention of this Act where

(a) a person who believes he has been discriminated against contrary to this Act makes a complaint in writing to the Commission, or

(b) the Commission has reasonable grounds for believing that a complaint exists.

(2) The Commission shall, before commencing an investigation under subsection (1), give notice of the complaint and of the Commission's intention to investigate it, to the person against whom the complaint was made.

(3) Any complaint filed pursuant to this section by an aggrieved person must be filed within six months after the alleged contravention of this Act.

(4) If, in the opinion of the Commission, a complaint is without merit, the Commission may dismiss the complaint at any stage of proceeding.

Board of inquiry

18. (1) If the Commission is unable to effect a settlement of the matter complained of, the Minister shall, on the request of the Commission, appoint a board of inquiry composed of one or more persons to investigate the matter.

(2) The Minister shall forthwith communicate the names of the members of the board of inquiry to the parties to the complaint.

(3) The Lieutenant Governor in Council may determine the rate of remuneration of the chairman and members of boards of inquiry.

Powers of board of inquiry

19. (1) A board of inquiry and each member thereof has all the powers of a commissioner appointed under *The Public Inquiries Act*.

(2) If a board of inquiry is composed of more than one person, the recommendations of the majority are the recommendations of the board.

Evidence at inquiry

20. (1) A board of inquiry shall give the parties to the complaint full opportunity to be represented by counsel, to present evidence and to make submissions.

(2) The board of inquiry may receive and accept whatever evidence and information on oath, affidavit, or otherwise it, in its discretion, deems fit and proper, whether admissible as evidence in a court of law or not.

(3) *The Administrative Procedures Act* applies to the proceedings of a board of inquiry.

Report of inquiry

21. (1) A board of inquiry shall submit a report of its inquiry to the Commission within 14 days, exclusive of Saturdays and holidays, after its appointment or within such longer period as the Minister may approve.

(2) In its report a board of inquiry shall state whether it found the complaint to be justified or not.

(3) After a board of inquiry has made its report, the Commission may direct it to clarify or amplify any of its findings or recommendations and the report shall be deemed not to have been received by the Commission until they have been so clarified or amplified.

(4) Upon receipt of the report of a board of inquiry, the Commission shall furnish a copy thereof to each of the persons affected and, if it considers it advisable, shall publish the report in such manner as it considers fit.

Inquiry and order by Supreme Court

22. (1) Where a board of inquiry finds a complaint to be justified, in whole or in part, it shall in the report recommend the course of action it thinks ought to be taken with respect to the complaint.

(2) If the Commission cannot effect a settlement on the course of action to be taken with the person against whom the finding was made within 30 days of the date he was

furnished with a copy of the report of the board of inquiry, the Commission shall forthwith deliver all of its files and other records pertaining to the complaint to the Attorney General.

(3) The Attorney General may, within 30 days after receiving the Commission's files and other records pursuant to subsection (2), apply to the Supreme Court of Alberta for an order under subsection (5) by way of originating notice of motion filed in the office of the clerk of the court of the judicial district in which the inquiry of the board of inquiry was held.

(4) The judge hearing the motion shall hold an inquiry de novo and may confirm, reverse or vary the findings and recommendations of the board of inquiry and may make an order under subsection (5).

(5) The judge in his discretion may make an order directing the person against whom the finding was made to do any or all of the following:

(a) to cease the contravention complained of;

(b) to refrain in future from committing the same or any similar contravention;

(c) to make available to the person discriminated against the rights, opportunities or privileges he was denied contrary to this Act;

(d) to compensate the person discriminated against for all or any part of any wages or income lost or expenses incurred by reason of the discriminatory action;

(e) to take such other action as the judge considers proper to place the person discriminated against in the position he would have been but for the contravention of this Act;

(f) to pay to the Crown a penalty of

  (i) not more that $200, in the case of an individual, or

  (ii) not more than $1000, in the case of a corporation, trade union, employers' organization, employment agency or occupational association;

and the order may be enforced in the same manner as any other order of the Supreme Court.

Appeal

23. (1) Where a board of inquiry finds a complaint not to be justified, the person who submitted the complaint may appeal therefrom to the Supreme Court in accordance with this section.

(2) Where a board of inquiry finds a complaint to be justified, in whole or in part, the person against whom the finding was made may appeal therefrom to the Supreme Court in accordance with this section.

(3) An appeal under this section shall be made by way of an originating notice of motion filed with the clerk of the court of the judicial district in which the inquiry was held.

(4) The originating notice of motion

- (a) shall be filed with the clerk of the court within 30 days of the date the appellant was furnished with a copy of the report of the board of inquiry;
- (b) shall be returnable on a date not later than 15 days after the date it is filed with the clerk;
- (c) shall show as a respondent the complainant or the person against whom the finding of the board of inquiry was made, as the case may be;
- (d) shall show the Commission as a nominal respondent for the purpose only of allowing the Commission to be notified of the motion and subsequent proceedings.

(5) The Supreme Court shall hear and determine the appeal by holding an inquiry de novo and may confirm, reverse or vary the findings and recommendations of the board of inquiry and make any order that may be made under section 22, subsection (5).

Order after inquiry

24. (1) Where an order of the Supreme Court under section 22 or 23 did not direct a person to cease the contravention complained of, the Attorney General may subsequently apply by way of originating notice of motion to the Supreme Court for an order enjoining the person from continuing the contravention.

(2) The judge, in his discretion, may make the order, and the order may be enforced in the same manner as any other order of the Supreme Court.

Proceedings against trade unions, etc.

25. (1) Any proceedings under this Act may be instituted against a trade union or employers' organization or occupational association in its name.

(2) Any act or thing done or omitted by an officer, official, or agent of a trade union or employers' organization or occupational association within the scope of his authority to act on its behalf shall be deemed to be an act or thing done or omitted by the trade union or employers' organization or occupational association, as the case may be.

Protection from giving evidence

26. (1) No member of the Commission, nor the Director or any employee mentioned in section 15, shall be required by any court to give evidence relative to information obtained for the purpose of this Act.

(2) No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity.

The Ombudsman Act

27. *The Ombudsman Act* applies to the activities of the Commission and every board of inquiry appointed under this Act.

Definitions

28. In this Act

(a) "age" means any age of 45 years or more and less than 65 years;

(b) "commercial unit" means any building or other structure or part thereof that is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property, or any space that is used or occupied or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office in any building or other structure or in a part thereof;

(c) "Commission" means the Alberta Human Rights Commission;

(d) "Director" means the Director of the Commission;

(e) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;

(f) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons;

(g) "Minister" means the member of the Executive Council charged with the administration of this Act;

(h) "occupational association" means any organization other than a trade union or employers' organization in which membership is a prerequisite to carrying on any trade, occupation or profession;

(i) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization, an occupational association and a trade union;

(j) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

Repeals R.S.A. 1970, c. 178

29. *The Human Rights Act* is repealed.

Amends R.S.A. 1970, c. 196

30. *The Alberta Labour Act* is amended by striking out Part 6.

Coming into force

31. This Act comes into force on a date to be fixed by Proclamation.

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